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ABSTRACT

The Special Education Services of the Michigan Department of Education has prepared the State Plan for the delivery of special education programs and services starting July 1, 1983 through June 30, 1986 according to guidelines and rules established under Title VI Part B of P.L. 94-142, The Education for All Handicapped Children Act. This plan reflects mandated programs and services for handicapped children in Michigan. Two primary documents are referenced throughout the body of the plan and these are included in the Appendices Section: The School Code of 1976 and the Special Education Administrative Rules. The plan contains 18 chapters which include timelines for the full educational opportunity goal and sections relating to the following content areas required by P.L. 94-142: right to education, priorities, child identification, individualized educational program, procedural safeguards, least restrictive environment, due process, personnel development, participation of private schools, evaluation, and confidentiality. (Author/CL)

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# STATE SPECIAL EDUCATION PLAN

# UNDER PART B OF THE EDUCATION FOR THE HANDICAPPED ACT (EHA-B)

# AS AMENDED BY P.L. 94-142

# FOR FISCAL YEARS 1984 - 1986

# WITH AMENDMENTS FOR FISCAL YEAR 1985

State of Michigan
Department of Education
Special Education Services
July, 1984

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# A B S T R A C T

The Special Education Services of the Michigan Department of Education has prepared the State Plan for the delivery of special education programs and services starting July 1, 1983 through June 30, 1986 according to guidelines and rules established under Title VI Part B of P.L. 94-142. This plan reflects mandated programs and services for handicapped children in Michigan. The content and format conform to requirements prescribed by the U.S. Department of Education.

Two primary documents are referenced throughout the body of the plan and these are included in the Appendices Section: The School Code of 1976 and the Special Education Administrative Rules.

The plan contains 18 chapters which include timelines for the full educational opportunity goal and sections relating to the following content areas required by P.L. 94-142: right to education, priorities, child identification, individualized educational program, procedural safeguards, least restrictive environment, due process, personnel development, participation of private schools, evaluation, and confidentiality.

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## INTRODUCTION

The purpose of the State Plan for fiscal years 1983-84, 1984-85 and 1985-86 is to meet the requirements established by Public Law 94-142 for qualifying school districts within the State of Michigan for receipt of federal funds. The content and format of this plan are prescribed by the U.S. Department of Education. The document basically constitutes the plan for the delivery of special education programs and services for three years, as per requirement of the Office of Special Education. Subsequent amendments are submitted to the OSE to reflect rule changes, new priorities, and other items that may change during the interim three years. The plan is not designed to reflect all the programs and activities provided for handicapped children in Michigan. It was developed to assure compliance with federal and state statutes.

Documents containing the criteria for implementing the requirements of P.L. 94-142 are found in three major sections of the Administrative Manual:

1. The School Code of 1976, hereinafter referred to as the School Code, contains statutory provisions for mandatory special education in Michigan. The School Code is included as Appendix A.

2. The rules for implementing Michigan's mandatory law, hereinafter referred to as the Administrative Rules, are included as Appendix B.

3. SES Official Interpretations of Administrative Rules.

The following abbreviations will be used throughout the document:

| | | |
|---|---|---|
| OSE | -- | Office of Special Education, United States Department of Education |
| SEA | -- | State Education Agency |
| USDE | -- | United States Department of Education |
| SES | -- | Special Education Services |
| ISD | -- | Intermediate School District |
| LEA | -- | Local Education Agency |
| SBE | -- | State Board of Education |

## CHAPTER I. RIGHT TO EDUCATION POLICY STATEMENT

Michigan has in effect a policy which insures that all handicapped children have a right to a free appropriate public education as required in Sections 300.121 through Sections 300.122 of the regulations for P.L. 94-142.

### Rights of the Handicapped to an Education

R 340.1702 of the Michigan Administrative Rules, Appendix B, defines the term handicapped person:

> "Handicapped person" means a person determined by an individualized educational planning committee or a hearing officer to have a characteristic or set of characteristics pursuant to R 340.1703 thru R 340.1715 that necessitates special education and related services. Determination of an impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

The rights of handicapped persons to an education are found in the Constitution of the state of Michigan.

> Article 8, Section 2.
>
> The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.
>
> Article 8, Section 8.
>
> Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported.

The equal opportunity provisions apply to all handicapped children as required in Section 300.121c. of the Federal regulations for P.L. 94-142. The right of the handicapped to a free and appropriate public education is presented within Article 3 of the School Code of 1976. Specific provisions regarding special education programs and services state that a student, who is otherwise qualified, shall not be denied the right to attend school because of a physical, emotional, mental, or learning disability. Otherwise qualified means the student has been determined to be handicapped, is between the ages of birth through 25, and has not graduated from high school.

Section 402(e) of Act 220 of the Public Acts of 1976 indicates that educational institutions shall not:

> Announce or follow a policy of denial or limitation, through a quota or otherwise, of educational opportunities to a group or its members because of a handicap that is unrelated to the group or member's abilitiy to utilize or benefit from the institution or its services, or because of the use by the members of a group or an individual in the group, of adaptive services or aids.

Accordingly, school districts are required to assure that qualified handicapped students have the same opportunity to enroll in and benefit from programs and services as other students of the same age, grade and/or ability. This includes the opportunity to enroll in physical education, vocational education and the extracurricular activities offered by the school district. In determining accessibility, assurances pertaining to Section 504 of the Rehabilitation Act of 1973 should likewise be established.

Homebound and hospitalized services for handicapped students shall be initiated within 15 school days after certification by a licensed physician of a medical handicap which requires the person to be confined to the home, unless a competent medical authority indicates the student is too ill to learn or receive instruction.

Free Appropriate Public Education

Appropriate Special Education means educational programs and services designed to meet the individual needs of each handicapped student. The procedures and policies regulating the individualized educational planning committee (IEPC) and the individualized education program (IEP) constitute the basis of determining a student's appropriate education. The following chapters describe these procedures and policies in more detail. Chapter IV deals with the identification of handicapped children; Chapter V presents the procedures for assigning handicapped children to special education programs and services; Chapter VI describes the procedural safeguards to assure that the rights of handicapped children are considered in the assignment; and Chapter VII details the responsibility of school districts for making placements within the least restrictive environment.

Free Education means education provided without expense to the student or parent. A free education includes the cost of the following:

1. Instruction provided by a local district, intermediate district, the Michigan School for the Blind, the Michigan School for the Deaf, the Department of Mental Health, or the Department of Social Services, as required in Section 1751(1) of the School Code; (Appendix A)

2. Related services for evaluation, supplemental instruction, or training required by students in order to benefit from the educational program, as required in Section 1751 of the School Code;

3. Transportation for handicapped students to and from school where transportation is required for the student to get from home to school, from one school site to another, or from one program or service site to another, as required in Section 1756 of the School Code;

4. Room and board for handicapped persons who are sent away from home by the school district for the purpose of receiving special education or related services, as required by Section 1761 of the School Code;

5. Supplies and equipment at least equal to those provided to other students in regular education programs and, in addition, supplies and equipment necessary to meet their defined performance objectives, as required in R 340.1733(j) of the Administrative Rules;

6. Diagnosis or reevaluation required for determination of eligibility under R 340.1721a of the Administrative Rules;

7. Reevaluation required by the public agency at least once every three years under the provisions of Section 300.534 of the Rules of P.L. 94-142 and R 340.1722d of the Administrative Rules;

8. Additional diagnostic services recommended by the individualized educational planning committee and required by the school district, including neurological, medical and psychiatric and other professional services not provided by the school district, other public agencies, or covered by medical insurance, shall be the responsibility of the handicapped person's district of residence, as required by R 340.1733(m) of the Administrative Rules; and

9. The cost of ancillary or related services needed for educational purposes. Costs relating to rehabilitation, medical treatment or therapy, psychological or psychiatric treatment, or life supports are the responsibility of the parents. Resources are available from rehabilitation agencies, Medicaid, Michigan Crippled Children Committee, Departments of Mental Health, Public Health, and Social Services, as well as county agencies and private insurance companies.

School districts are not required to provide or otherwise cover the costs of the following items described in the State Board of Education Position Statement on Free Textbooks, Materials and Charging of Fees:

1. Extracurricular activities where students are not graded or evaluated and credit is not given, or for any other activity in which participation is not required;

2. Voluntary extracurricular activities such as attendance at the special olympics or other nonrequired sporting events, plays, movies or concerts where there is an admission fee or other costs;

3. Band and orchestra when not part of the regular school day and no grade, evaluation, or credit is given for the course;

4. Summer school programs; and

5. Clothes and food, unless required by the district, such as food for home economics class, towels for drying after swimming class, etc.

## Application of Free Appropriate Public Education Requirements to all State Agencies

Section 300.301 of the Federal regulations requires that all public educational agencies provide a free appropriate education. Section 6(7) of the School Code of 1976 defines special education and identifies agencies authorized to provide special education programs and services in the state:

> Special education programs and services mean those educational and training services designed for handicapped persons operated by local school districts, local act school districts, intermediate school districts, the Michigan School for the Blind, the Michigan School for the Deaf, Department of Mental Health, Department of Social Services, or a combination thereof, and ancillary professional services for handicapped persons rendered by agencies approved by the State Board. The programs shall include vocational training but need not include academic programs of college or university level.

The Constitution of the state of Michigan identifies the State Board of Education as the responsible agent for all education programs. Section 3 of Article 8 of the Constitution states:

> Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

## Timelines, Ages and Priorities for Free Appropriate Public Education

Michigan's mandatory special education law went into effect in school year 1973-74. Since then, free appropriate public education has been made available to all handicapped persons, ages birth through 25, who have not completed a normal course of study nor received a high school diploma. The first priority was to assure that all handicapped children were placed in special education.

Handicapped students who have either dropped out of school or reached age 26 and not graduated from high school, have the same opportunity as other students to enroll in adult basic education programs or other alternative educational programs for which they qualify. However, school districts cannot assign handicapped students to adult basic education or other alternative educational placements in lieu of special education.

State law requires that each of Michigan's 57 intermediate education units, referred to as intermediate school districts (ISD), develop a plan that specifies the manner for implementing the requirements for a free appropriate public education. The rules established by the State Board require each plan to identify how and where handicapped students are to be served. The ISD plan must likewise describe the delivery system for children birth through 5, who will need special intervention to prepare them for entry into school and for

handicapped persons ages 18 through 25, who are not capable of completing the regular education curriculum. Part 7 of the Administrative Rules (Appendix B) contains the procedure to be used by each ISD to assure that all handicapped persons birth through 25, who have not graduated from high school, have access to appropriate special education programs and services.

Chart 1 provides a summary of the timelines for assuring a free appropriate public education to handicapped persons ages 0 through 25.

CHART 1

TIMELINES FOR PROVISION OF
FREE APPROPRIATE PUBLIC EDUCATION

| OUTCOMES | DATES |
|---|---|
| Passage of P.A. 198, The Michigan Mandatory Special Education Act | December 22, 1971 |
| Implementation of Rules on P.A. 198 | October 10, 1973 |
| Inclusion of Mandatory Act in School Code of 1976 | January 13, 1977 |
| Amendment of Rules on Special Education | January 14, 1977 |
| Initiation of Comprehensive Child Find Efforts | July 1, 1977 |
| Placement of All Identified Handicapped Children in Special Education Programs and Services | September, 1978 |
| Establishment of ISD Plan Criteria by State Board of Education for ISD Use in Monitoring Appropriateness of Student Placements | 1978 |
| Monitoring by ISDs of All Programs and Services to Determine Compliance with State and Federal Regulations as Defined in this State Plan | 1979 |
| Provision of Free Appropriate Public Education to All Handicapped Children According to P.L. 94-142 Requirement | September, 1980 |
| Revision of Rules on Special Education to More Fully Conform with P.L. 94-142 | August 13, 1980 |
| Adoption of Additional Rules on Transportation, Preprimary Programs, Age Span, and Class Size | August 20, 1982 |
| Adoption of Rules for the Autistic Impaired, Including Definition of Disability Category and Program/Teacher Requirements | August 12, 1983 |

## CHAPTER II. FULL EDUCATIONAL GOAL AND TIMELINES

The State Board of Education established the Common Goals of Michigan Education. These goals serve as statements of broad direction and general purpose for Michigan's educational system. One of these goals is to assure equality of educational opportunity to the handicapped.

> Michigan education must recognize and provide for the special educational needs of exceptional persons. This recognition must extend to those who are academically talented and to those who are considered physically, mentally, or emotionally handicapped.
>
> Regarding the handicapped, Michigan education must further assure that its procedures concerning the testing and evaluation of children tentatively identified as being mentally or emotionally handicapped do not unduly penalize minority or low socio-economic status children by precipitous referral and placement into special education.

Although this recognition encompasses the academically talented, special education considers only the educational needs of the learning disabled and the physically, mentally and emotionally handicapped for program purposes.

Every effort is made to achieve the maximum progress possible for handicapped students by facilitating their movement into or out of special classes.

The State Board of Education has established rules requiring each educational agency to assure that all handicapped students ages birth through 25, who have not completed a normal course of study nor graduated from high school, have access to a full continuum of special education programs and services as a means of attaining their maximum potentials.

Table I of this chapter presents the timetable for the attainment of the full educational opportunity goal.

The State Board of Education has established rules and policies for implementing the goals of full educational opportunity for Michigan's handicapped students. Part VII of the Michigan Administrative Code (Special Education Rules, Appendix A) identifies the responsibility of educational agencies for identification, referral, diagnosis, determination of eligibility, and development of individualized educational programs for handicapped children and adults.

SEA collects data on an annual basis through established processes utilizing a number of data collection instruments: DS-4061, DS-4096, SE-4568, SE-4625, SE-4661, etc. Data are analyzed for such programmatic purposes as calculation of state aid to school districts, allocation of project funds, accountability, and projections of personnel needs.

An annual study on available personnel is conducted to determine aggregated state personnel counts by diagnostic area endorsements. This information is relayed to colleges and universities to enable them to direct persons interested in a career in special education to seek training in a field where there is a projected need.

This system will help assure the availability of adequately trained personnel needed to continue to meet the goal of full educational opportunity for Michigan's handicapped students.

Chapter IX, Comprehensive System on Personnel Development, presents in more detail the SEA plans and activities relating to both preservice and inservice. It likewise details the interface between the SEA, the school districts and the teacher training institutions in activities that assure the availability of appropriately-trained personnel to meet the needs of handicapped students.

Elimination of Architectural Barriers

In order for the SEA to attain the full educational opportunity goal, provisions regarding physical accessibility of programs and services have been established. Inservice sessions have been provided to personnel in both regular and special education to generate awareness regarding the necessity of accessability to programs and services in the pursuit of this goal. All school districts have been sent copies of a relating publication on procedures that deal with the elimination of architectural barriers. On-site consultation on the development of plans to identify, prioritize and eliminate architectural barriers where these barriers preclude program accessibility as required by Section 504 of the Rehabilitation Act of 1973 is available to school districts through Vocational Rehabilitation Services of the Michigan Department of Education.

## TABLE 1. – DETAILED TIMETABLE

DATE: 02/01/81

NAME OF STATE: Michigan

Show the percent (%) of the State's population of handicapped children expected to be receiving full educational opportunities in each school year. In the appropriate cells, *estimate the year you expect all children to be provided full educational opportunities *(full service)*.

| HANDICAPPING CONDITIONS | A. AGES 3 THRU 5 | | | B. AGES 6 THRU 17 | | C. AGES 18 THRU 21 | | | | | D. AGES 0 THRU 2 ESTIMATE THE YEAR FULL SERVICES ARE EXPECTED TO BE REACHED. SCHOOL YEAR NON-CATEGORIAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | SCHOOL YEAR 1977-78(%) | SCHOOL YEAR (%) 1978-79 | ESTIMATE YEAR* OF FULL SERVICE | SCHOOL YEAR 1977-78(%) | SCHOOL YEAR (%) 1978-79 | SCHOOL YEAR 1977-78(%) | SCHOOL YEAR (%) 1978-79 | SCHOOL YEAR (%) 1979-80 | SCHOOL YEAR (%) 1980-81 | ESTIMATE YEAR* OF FULL SERVICE | |
| a. Mentally Retarded | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | 1978 |
| b. Hard of Hearing | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| c. Deaf | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| d. Speech Impaired | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| e. Visually Handicapped | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| f. Seriously Emotionally Disturbed | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| g. Orthopedically Impaired | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| h. Health Impaired | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |
| i. Specific Learning Disability | 100% | 100% | 1978 | 100% | 100% | 100% | 100% | 100% | 100% | 1978 | |

*If these requirements are inconsistent with your State law, or practice, estimate the year you expect to reach full services in these areas.

## CHAPTER III. POLICY ON PRIORITIES

The priorities established in P.L. 94-142 are consistent with those of the Michigan Special Education Mandatory Law. These priorities are as follows:

1. To provide free appropriate public education to handicapped children who are not receiving services, including their identification, location, and evaluation.

2. To provide free appropriate public education to handicapped children within each disability with the most severe handicaps who are receiving an inadequate education, including their identification, location, and evaluation.

3. To meet other requirements of the law.

### Michigan's Proposed Spending Plan

For the 1984-85 fiscal year, SEA will provide approximately 85% of the state's expected total federal entitlement as direct flowthrough allocations to intermediate school districts. These allocations are based on special education pupil count and corresponding project proposals. Applications for projects are consistent with the ISD plans and are signed by the ISD superintendent. The applications include assurances specified in P.L. 94-142 rules and regulations.

The intermediate school district, in cooperation with local school districts (LEAs) develops applications for funding of programs and services under the authorization of P.L. 94-142. Approved projects are operated by either the LEA or the ISD. All programs and services, and any contractual arrangements with LEAs, become a part of the total delivery system in the ISD plan.

As of July 1, 1985, unencumbered P.L. 94-142 flowthrough and preschool incentive funds may be carried forward for the purpose of meeting the priorities established by Congress under the authorization of this Act, particularly as these relate to training and priorities specified in this plan. However, these funds cannot be obligated after September 30, 1986.

### Proposed FY 1985 Spending Plan as Authorized Under P.L. 94-142

The State Education Agency conducted a statewide survey in August, 1983 to determine priorities necessary to meet the full educational opportunity goal for handicapped persons as stated in Chapter II. The purpose was to solicit public opinion regarding perceived statewide needs. Chart 2 on page 20 reflects the SEA process on the establishment of priorities for emphasis. All projects identified in this state plan are processed according to the following procedures: (a) the State Board of Education approves procedures for the funding of each project; (b) local school districts, intermediate school districts or other qualified bidders are notified of the opportunity to submit project applications for each project; (c) all project applications are reviewed by raters external to SES, and staff prepare recommendations for approval by the Board; and (d) when appropriate, projects are let through the Department contract/bid

procedures. Each project provides the Michigan Department of Education with an annual report which includes specific program description, analysis, and budget. The formula used to allocate funds to local and intermediate school districts is approved by the State Board of Education. A report on all unencumbered funds and recommendations for the expenditure of those funds is presented to the State Board of Education for review and approval.

The following spending plan is consistent with needs identified through the hearings and prioritization process. The various projects chosen for funding as state-authorized priorities are explained in more detail on the pages that follow:

SPENDING PLAN
FY 1985

Projected Grant Award

| | | |
|---|---|---|
| 146,809 pupils x $257 per pupil | | $37,729,913 |

Distribution

| | | | | |
|---|---|---|---|---|
| A. | State Administration (5%) | | | 1,886,495 |
| B. | Flowthrough Funds to Districts | | | 32,268,418 |
| C. | Allocation for State-Initiated Priorities | | | 3,575,000 |
| | 1. Project Find | | $ 25,000 | |
| | 2. Coordination of Planning, Monitoring and Data Collection | | 1,710,000 | |
| | 3. Development of Materials for Enhancement of Programs, Management, and Communication | | 200,000 | |
| | a. Use of computers for instruction and resources management | $100,000 | | |
| | b. Computerized communication, data collection system | 100,000 | | |
| | 4. Research and Evaluation | | 200,000 | |
| | a. Validation of delivery system | | | |
| | 5. Statewide Direct Services | | 890,000 | |
| | a. SCADS | 170,000 | | |
| | b. Center for adaptive aids and equipment | 50,000 | | |
| | c. Center on materials for the visually impaired | 220,000 | | |
| | d. SELMC | 450,000 | | |
| | 6. Support for Model Programs Development, Validation, Dissemination | | 160,000 | |
| | 7. Concerns on Unmet Needs | | 200,000 | |
| | 8. Comprehensive System of Personnel Development | | 100,000 | |
| | GRAND TOTAL: | | | $37,729,913 |

Summary of Distribution

A. State Administration $ 1,886,495

P.L. 94-142 provides up to 5% of a state's funds entitlement, or $200,000 (whichever is greater) for the purpose of administering programs and services to meet the requirements of the law. The Special Education Service proposes to utilize 5% of the anticipated total funds for FY 1985. A maximum of 41 personnel, both professional and clerical, is assigned to this major task. This staff provides planning consultation at the local level, monitoring of intermediate school district activities on site, evaluation of programs and services, and data collection and analysis for planning purposes. In addition, the staff develops programmatic, statistical, and fiscal reports to comply with both federal and state requirements.

B. Flowthrough Funds to Districts 32,268,418

More than 85% of the total funds generated under P.L. 94-142 shall be distributed to school districts as flowthrough funds. Distribution shall be based on the actual headcount of handicapped students reported by each school district. Each ISD shall submit a plan specifying how these funds shall be allocated. The Department of Education may allocate funds beyond the projected formula to include the distribution of carryover funds, funds received in excess of the estimated grant award for FY 1985 as specified in this chapter, or funds received from any other supplemental appropriation that might be provided by the Congress under Part B of P.L. 94-142. The Department may likewise decrease school district allocations if anticipated entitlement funds are proportionately decreased by Congress. All flowthrough funds shall be distributed in accordance with the provisions of the Act. An added cost formula shall be used to assure the equitable allocation of funds and resources to intermediate school districts. The application of the formula on projects shall be based on criteria specified in SE-4625 that relate to needs for service, appropriate anticipated activities to meet identified needs, and numbers of handicapped students to be served. Approval of project proposals shall be primarily based on the correlation of proposed workscopes with state goals on full educational opportunity and free appropriate public education. All funds shall be expended through applications received and approved according to procedures established by the Michigan State Board of Education and relating rules under Part B of P.L. 94-142.

C. State-Initiated Priorities 3,575,000

1. Project Find ($25,000)

The Special Education Services will continue current efforts on child identification through a organized system of statewide coordination, with assistance from the MDE Office of Public Affairs. The school districts are required to identify child find efforts and procedures in their annual ISD plans. An evaluation of the system, over time, will be conducted to determine the effectiveness of its information dispersal component.

2. Coordination of Planning, Monitoring and Data Collection ($1,710,000)

A maximum of $30,000 shall be provided to each intermediate school district on a project basis to assure that all handicapped students are identified, evaluated, placed, and provided other services necessary for the implementation of the statutory requirements for a free appropriate public education. As a condition for the receipt of funds, the ISD shall do the following:

(a) Maintain the student registry and conduct of periodic audits regarding its validity;
(b) Collect data using Michigan Department of Education forms identified below, verify their accuracy, and submit to the Department of Education.
    1. DS-4061 membership reports and the DS-4096 final cost reports (submitted to Department Services)
    2. SE-4568, December 1 Special Education Student Count (submitted to the Special Education Services)
    3. SE-4625 Title VI-B, P.L. 94-142 application (submitted to the Special Education Services)
(c) Prepare all intermediate school district Part B applications, monitor project progress and submit the year-end reports.
(d) Meet with the ISD Parent Advisory Committee on at least a quarterly basis to review the ISD Plans.
(e) Meet with LEA and ISD personnel regarding Michigan Department of Education intermediate district plan criteria.
(f) Investigate and report alleged instances of noncompliance pursuant to the requirements set forth in Section 380.1711(h) and administration rule R 340.1851 et. seq.
(g) Review applications and provide technical assistance to school districts on projects submitted relating to professional development, demonstration and research activities.

The primary emphasis of coordination for FY 1985 shall be the provision of assistance to school districts to meet their obligations under P.L. 94-142, particularly those on data collection and monitoring.

3. Development of Materials for Enhancement of Programs and Management ($200,000)

These projects are primarily established to develop methods, materials, and techniques to improve current programs and services for handicapped students, to use data processing techniques to improve data collection, and to facilitate the transfer of data from LEA to ISD to the state offices. These activities shall be continued for FY 1985.

a. Computers for Instruction, Evaluation, and Resources Management ($100,000)

The purpose of this project is to complete a three-year plan for implementing microcomputer technology applications at the LEA and ISD levels. The three-year plan includes: a system of on-going collection and cataloging of special education software, a

method of evaluating changing technology, disseminating that technology, and designing and modifying training guides in computer literacy. This project also includes evaluation and dissemination of the instructional uses of microcomputers and guidelines for integrating them into the classroom.

b. Computerized Statewide Data Collection and Information System and Computer Assisted Management ($100,000)

In 1984, the project will focus on improving methods of collecting student data, establish an electronic mail network, and design some administrative budgeting software. Each of these objectives will be continued in 1985. The automated central registry project will be tied into the scan-tron form being developed on student data. SpecialNet will be continued and the software that is being designed will be field-tested and properly disseminated.

4. Research and Evaluation ($200,000)

a. Validation of the special education delivery system

This component includes projects that deal with assessment or evaluation of programs and services. Areas of emphasis may include the following: analysis of outcomes of rule changes; the validation of tests for handicapped students to determine their levels of functioning and performance potentials; evaluation of statewide criteria for LD and other categories; assessment of impact of mainstreaming on both special and regular education students; follow-up to determine developmental progress of special education students or to determine current status of persons who have received/participated in special education programs/services, etc.

5. Statewide Direct Services ($890,000)

a. Identification, diffusion, and dissemination of information on model programs ($170,000)

The Statewide Communication and Dissemination System (SCADS) is funded through the Kent ISD. The following ongoing activities are carried out by SCADS:

Provide a communication and interpretation link between local and intermediate school districts, the state department, and other pertinent groups;

Disseminate vital information regarding special education to special education personnel and consumer groups;

Coordinate inservice workshops for special education personnel on pressing issues facing the special education field, in conjunction with the SELMCs and SES;

Disseminate supplements to the Administrative Manual. These include rule revisions, rule interpretations, State Aid Act, State Plan, and State Board policies.

Maintain constant awareness in regards to state and federal grant opportunities and share them with the field. This activity will be carried out via the Federal Register, Congressional Quarterly, Education Daily, Education of the Handicapped and the National Association of State Directors of Special Education publications.

Condense proposed legislation into short analytical and descriptive briefs and make them available to administrators of special education, other special education personnel, and special education consumer groups;

Publish a newsletter on a monthly basis;

Develop an effective and efficient information dispersal system;

Provide updates to educational and consumer organizations on all pending inservice and disseminate documents via the information dispersal system;

Compile an annual listing of name, address, telephone number, etc., of all special education directors, supervisors, and coordinators of planning, monitoring and data collection;

Provide a statewide toll free information hotline to apprise the field of pending legislation and other selected topics of crucial concern;

Provide facilities for group meetings to administrators and others involved with special education;

Assist with specified problems as facilitators in the following areas: state and federal resources available to districts and an available human resources list of professionals, both state and national, to aid in the resolution of problems; and

Perform any other functions specified by the project administrative board and/or the State Director of Special Education and/or the State Board of Education, with the understanding that the administrative board would no longer consist of only administrators but also consumers, teachers, etc. The increasing volume of dissemination activities necessitates an increase in the allocation to provide resources for the purchase of a high-output copier and an IBM III Selectric typewriter.

b. Center for adaptive aids and equipment (PAM Center) ($50,000)

The PAM Assistance Centre continues to provide services to handicapped persons 0-25, primarily in the area of light technology which includes self-help and education aids, preschool-early childhood devices, prevocational assistance, assistance with barrier-free renovations, mobility aids, and communication devices.

Presently there is no centralized locale where all devices for severely handicapped persons (including but not limited to peripherals to microcomputers and aids for non-oral persons) are brought together in one spot. This could be accomplished as an extension of PAM Centre with the full-time employment of a specialist who could assist local professionals in the selection and use of educational peripherals and other sophisticated aids. The allocation of additional funds would expand procurement and maintenance of equipment.

If more space is needed than is presently available at 601 West Maple, the library building of the Michigan School for the Blind which is adjacent to the Centre, would be a viable place.

c. Center on materials for the visually impaired ($220,000)

The centralization of existing services and the development of new strategies to deliver these services to visually impaired and other handicapped persons who are unable to use regular manuscript are needed to establish a functional centralized system for the maximum utlization of appropriate media, consultation and information.

The Michigan Department of Education, in order to meet the educational needs of handicapped persons, develops and coordinates a statewide system of appropriate media, consultation and information services. The objectives of the project are:

A. Coordination
B. Administration, staffing and budgeting
C. Central registry of users and their learning modalities
D. Depository: search, acquisition, storage and dissemination
E. Statewide inventory and control
F. Projection
G. Evaluation of:
    1. Statewide service
    2. Existing materials
    3. Student match
    4. New materials
H. Information services (clearinghouse concept)
I. Inservice training
J. Consultation
K. Volunteer services

In FY 1985, the center shall continue the provision of services to handicapped students other than the visually impaired, who may benefit from the use of materials and/or other resources. The proposed increase in allocation will allow the purchase of replacement equipment. It will also allow the Centre to meet increasing utility expenses.

d. Special Education Learning Materials Centers ($450,000)

An allocation of $200,000 will allow the continuation of such services as materials purchases, and curriculum and media assistance to special education teachers and students. An allocation of additional $250,000 will support the SELMC's involvement in statewide personnel development activities designed to meet needs identified through surveys, assessment of monitoring findings, etc.

6. Support for Model Programs ($160,000)

Funds are allocated to allow the development or identification and adaption of effective programs for special education. Model programs for emphasis may include those identified in 1984 and those that deal with the following areas: delivery systems for secondary school special education students; assessment of programs for low incidence categories (Program Effectiveness Review component); etc.

7. Concerns on Unmet Needs ($290,000)

Activities for this allocation may include development of procedures to facilitate the provision of special education programs and services to eligible persons in institutions and facilities operated by the Departments of Corrections, Mental Health, and Social Services; development of programs for hearing and emotionally impaired students; and other areas that may be determined during the fiscal year.

8. Comprehensive System of Personnel Development ($100,000)

Section 300.380 of P.L. 94-142 regulations mandates that each State Education Agency formulate and implement a comprehensive system of personnel development. Michigan's system includes committee advisement and review and evaluation of personnel development projects on a statewide basis. Training includes special and general education personnel, parents, etc. Activities are coordinated with those of the Professional Development Advisory Council of the Michigan Department of Education, the intermediate school districts, and the 22 Special Education Learning Materials Centers.

Areas for projected training may include such items as dissemination of innovative and effective delivery system models such as the IV-C projects, Arts for the Handicapped, teacher competencies, role and function in the hearing and the complaint processes, parent involvement, effective mediation practices, suspension and expulsion processes, and other needs that may be identified through a statewide needs assessment.

A more detailed discussion of the proposed areas for training is included in Chapter IX, the Comprehensive System of Personnel Development.

## Available Resources for Special Education

On-site visitations conducted by the State Education Agency, Title VI-B staff consists of a review of programs and fiscal monitoring. Technical assistance is provided and written recommendations are forwarded to project personnel for the purpose of strengthening the projects within the school districts.

Some school districts or agencies may be granted funds for the development of specific projects with statewide implications through the submission of an application as requested by the State Education Agency.

In addition, intermediate school district plans describe financial revenues and program costs annually, and these are subject to the approval of the State Education Agency.

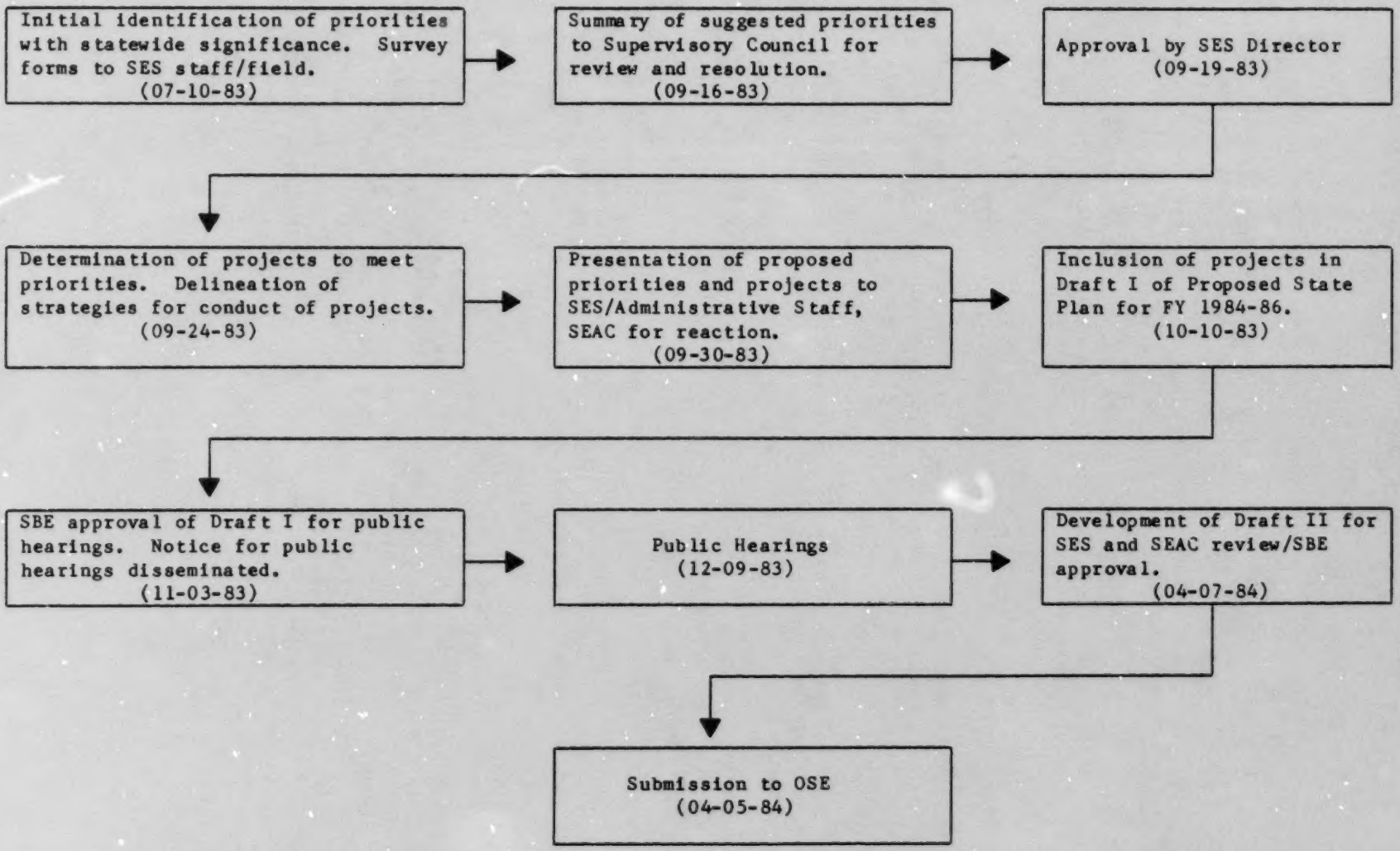
Chapter XVI, Description of Use of Part B Funds, presents in more detail the organizational structure of the State Special Education Services, and the units primarily charged with the administration, planning, monitoring, and evaluation of special education programs and services in the state.

## Comparable Services

The State Education Agency shall require that ISD plans detail assurances regarding the provision of comparable services to all handicapped children within the service area. Services provided through state and local funds shall be made accessible to all handicapped students. If Priorities I and II have been met, funds generated through P.L. 94-142 shall be used to augment state and local special education funds particularly as these meet identified special needs. Records regarding use of these funds shall be maintained for monitoring and accountability purposes.

CHART 2

ESTABLISHMENT OF PRIORITIES FOR FUNDING
FY 1984-85


Initial identification of priorities with statewide significance. Survey forms to SES staff/field. (07-10-83)
Summary of suggested priorities to Supervisory Council for review and resolution. (09-16-83)
Approval by SES Director (09-19-83)
Determination of projects to meet priorities. Delineation of strategies for conduct of projects. (09-24-83)
Presentation of proposed priorities and projects to SES/Administrative Staff, SEAC for reaction. (09-30-83)
Inclusion of projects in Draft I of Proposed State Plan for FY 1984-86. (10-10-83)
SBE approval of Draft I for public hearings. Notice for public hearings disseminated. (11-03-83)
Public Hearings (12-09-83)
Development of Draft II for SES and SEAC review/SBE approval. (04-07-84)
Submission to OSE (04-05-84)

SES -- Special Education Services
SEAC -- Special Education Advisory Committee

OSE -- Office of Special Education
SBE -- State Board of Education

## CHAPTER IV. CHILD IDENTIFICATION

The State Board of Education assures that all children who are handicapped and in need of special education programs and services are identified. In this connection, the State Board of Education took the following steps:

1. Approved the coordination of child find activities statewide thru both the Special Education Services and the Office of Public Affairs of the Michigan Department of Education. Proposed activities include the continued cooperation with the Departments of Public Health, Mental Health, and Social Services in establishing a system to make health and developmental screening services available to all preprimary children.

2. Established rules requiring each intermediate school district to develop a system for identifying handicapped persons. Each intermediate plan is required to describe the following:

   (a) The means by which persons from birth through 25 years of age, known to be or suspected of being handicapped, will be identified and referred for diagnostic services. The handicapped shall be identified in accordance with rules governing programs and services for handicapped persons as promulgated by the State Board of Education.

   (b) The process by which those identified and referred for diagnostic services will be evaluated by a multidisciplinary team prior to the conduct of the individualized educational planning committee which will determine eligibility, and if eligible, identify special programs and services to be provided to the student.

   (c) The means by which the local school district and the intermediate school district will advise and inform handicapped persons, their parents, and other members of the community on the following: special education opportunities guaranteed by the law, the obligations of the local and intermediate school district, and the name, address, and telephone number of representatives of both the local and intermediate school districts from whom information can be obtained.

### Effectiveness of Michigan's Child Identification System

The State Board of Education sponsors statewide Project Find media campaigns designed to locate and identify persons suspected of being handicapped. These include radio and television announcements, dissemination of previously developed brochures and posters, and a statewide toll free 24-hour hot line.

Special Education Services, in cooperation with the Office of Public Affairs, continues to provide leadership and support to local and intermediate districts to assure continued efforts to identify all handicapped children in need of special education intervention. The Department of Education continues to:

1. Coordinate statewide awareness campaigns;
2. Develop and disseminate awareness and media meterials;
3. Disseminate information on effective Project Find methods to local and intermediate school districts;
4. Establish minimum criteria for ISD plans, and assure that each intermediate plan identifies the procedures and persons responsible for coordinating Project Find activities;
5. Hold an annual statewide Project Find conference;
6. Assess the need for and revision of Project Find guidelines;
7. Provide intensive technical assistance to school districts whose percentage of identified handicapped students is very low; and
8. Improve the medical communities awareness and understanding of educational programs and services available to the handicapped.

The following are considered the major accomplishments of the child identification system:

1. Use of P.L. 94-142 funds to assure that intermediate school districts initiate public awareness activities and develop a child identification system.

2. Establishment of criteria to assure that intermediate plans specify procedures and responsibilities regarding the maintenance and evaluation of effectiveness of a child identification system.

3. Designation of the month of March as Project Find month by the State Governor, upon SEA request.

4. Creation of a statewide hot line telephone number for the Child Find Project, 1-800-252-0052.

5. Conduct of Project Find conferences statewide.

6. Development of statewide public service announcements for radio, TV, and the newspapers.

7. Inservice training for local and intermediate school superintendents, directors of special education, planners, and representatives from Parent Advisory Committees on criteria for inclusion of child identification in the intermediate plans.

8. Distribution of Project Find brochures.

9. Establishment of ways to assess the effectiveness of Project Find.

Child identification efforts for 1984-85 are anticipated to result in the following:

1. Maintenance of a comprehensive system of child find to assure that all handicapped children are identified and provided with appropriate special education and related services.

2. Improvement of a cooperative system that utilizes available resources of more agencies, thus assuring that child identification become a concern of service organizations, other than those related to education.

3. Evaluation to determine those activities that have been most successful in identifying handicapped students.

Contributions in the form of services and time have been pledged by service organizations, other agencies in the state Department of Education, and local radio and TV stations to complement activities described in this chapter.

## CHAPTER V. THE INDIVIDUALIZED EDUCATION PROGRAM PROCESS

Each public agency operating special education programs and services is responsible for (1) developing, implementing, reviewing, and revising each IEP and (2) initiating and conducting meetings to develop, review, or revise a child's IEP. Each public agency likewise assures that parents have the opportunity to participate at the IEPC meeting which determines eligibility and the necessary special education programs and services to provide the handicapped child with a free and appropriate public education. If a student is determined to be handicapped, the committee writes an IEP or may reconvene for this purpose. Committee participants are detailed in R 340.1721b.

The planning conference participants include the student, when appropriate, and other individuals at the discretion of either the parents or the public agency. The conference is held at a mutually agreed upon time and place.

The following have been established to assure that the rights of each handicapped student are protected in the evaluation and placement process. All rights pursuant to these procedures are communicated to the parent(s).

1. Parents shall be notified of the school district intent to evaluate as detailed in Chapter VI of this document.

2. Each student suspected of being handicapped must be individually diagnosed to determine the extent and nature of the disability and its effect on the student's ability to learn. The diagnosis must be provided by qualified personnel. [R 340.1703 through R 340.1715 of the Administrative Rules]

3. Testing and evaluation instruments and procedures must be adapted according to the child's age, native language, and sensory, manual, and speaking skills. [R 340.1721a(3) of the Administrative Rules]

4. The time from referral or from receipt of parental consent to an initial evaluation to the completion of the individualized educational program or the determination of ineligibility shall not exceed 30 school days. This timeline may be extended if agreed to by the parent and public agency. [R 340.1721c(2) of the Administrative Rules]

5. Participants in an individualized educational planning committee meeting shall, at a minimum, include both of the following:

   (a) A representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.

(b) The student's teacher or a teacher appropriate for the student's age and ability if the student is not previously enrolled by the public agency. If the child is enrolled in regular education, at least one of the participants shall be a regular full-time teacher to whom the child is assigned.

At the initial individualized educational planning committee meeting and at the 3-year comprehensive reevaluation review meeting, a member of the multidisciplinary team is required to be a participant to present the written team report. At subsequent individualized educational planning committee meetings, members of this team participate at the request of the parent or public agency. One of the participants at the meeting presents the handicapped person's current level of educational performance.

6. The parent(s), and other persons at the discretion of the parent or public agency, must be invited to attend. The handicapped person, if appropriate, may also be invited to participate. [R 340.1721b(4) of the Administrative Rules]. This rule, which requires school districts to provide parents the opportunity to participate in the IEPC process, likewise requires compliance with the following provisions of Section 300.345 of the regulations for P.L. 94-142:

   (a) Notification is early enough to insure an opportunity to attend;

   (b) Meetings are scheduled at mutually agreed upon time and place;

   (c) Notice indicates the purpose, time, and location of the meeting and who will attend;

   (d) Notice informs parents that they may bring others to the meeting;

   (e) Alternative solutions are established if unable to attend;

   (f) If parents cannot attend, records of attempts to arrange mutually agreeable time and place are kept;

   (g) Assurances are established to insure that parents understand the meeting (interpreters, native language);

   (h) Parents receive a copy of the IEP upon request.

7. Prior to the Individualized Educational Planning Committee meeting, all educational records on persons suspected of being handicapped are made available to the parents on request.

8. Prior to assignment to programs and services, the IEPC must have determined the student to be handicapped and in need of special education intervention in order to benefit from the school program. [R 340.1721d(2) of the Administrative Rules]

9. Prior to assignment of an eligible student to special education programs and services, the superintendent or designee must receive the IEPC determination of special education programs and services and must notify the parents of the proposed action, statute or rule under which the action is proposed, a statement for the reason therefore, including specifications of any tests or reports on which the action is based and specify when and where programs or services are to begin. [R 340.1722a(1) and R 340.1723b of the Administrative Rules]

10. Each public agency initiates and conducts a meeting to develop an individualized educational program (IEP) for each student prior to placement in special education programs and services. This IEP includes the following information quoted from R 340.1721e:

    (a) A statement of the person's present level of educational performance.

    (b) A statement of annual goals, including short-term instructional objectives.

    (c) The projected dates for initiation of services and the anticipated duration of the services.

    (d) Appropriate objective criteria and evaluation procedures and schedules for determining whether the instructional objectives are being achieved.

    (e) A statement of the specific special education and related services to be provided to the person, giving consideration to the accessibility of physical facilities; transportation, including the need, if any, for aids or restraints; and room and board.

    (f) The extent to which the person is able to participate in regular education programs.

11. The following general requirements apply to all special education placements as quoted from R 340.1733 of the Administrative Rules:

    (g) The special education programs' and services' methods of instruction shall be consistent with the performance objectives written for each handicapped person.

    (h) The instructional program for a school day shall focus on the individual needs of each handicapped person, as determined through the individualized education programs.

    (i) Special education programs and services shall be provided for at least the minimum number of hours and days of

teacher-pupil contact in conformance with the child accounting rules, being R 340.1 to R 340.13, but the number of hours and days for a special education program or service shall be not less than those required for regular education programs.

(j) Handicapped persons qualifying for special education programs and services shall be provided with supplies and equipment at least equal to those provided to other students in regular education programs, in addition to, those supplies and equipment necessary to meet their defined performance objectives.

12. The following requirements established in the Administrative Rules apply to students placed in the special education classrooms:

(a) The instructional content for the special education curriculum will be approved by the intermediate school district using the standards specified in Section 2.4 of the intermediate school district plan. As a minimum, the curriculum will provide for personal adjustment, prevocational, vocational, and physical education as appropriate to the child's ability and needs.

(b) The age range for persons in an elementary special education class shall not exceed five years at any one time except for severely mentally impaired, trainable mentally impaired, or severely multiply impaired. The age range in secondary classes shall not exceed a four-year span.

13. The initiation of special education programs and services, as determined by the individualized educational planning committee or as based on the decision of the hearing officer, must be not more than 15 school days after the parents have been notified, except in specific cases prescribed in rule. [R 340.1722a(2) of the Administrative Rules]

14. Public agencies reconvene the IEP committee to review all components of each IEP at least annually and revise items when necessary to meet the unique needs of each handicapped child. The parents must be invited to participate at these reviews. Parents shall receive a copy of the IEP when it is reviewed and/or revised.

Educational Planning for Children Enrolled in Private Schools

Children enrolled in private schools may be determined eligible for special education and may receive ancillary servics from public school personnel in the private school setting under the provisions of Section 1296 of the School Code of 1976. The public school district serving the private school handicapped students is required to supervise the conduct of the IEP process as detailed in this chapter. The private school is asked, as a minimum, to have the child's teacher in attendance at the IEP meeting. (Section 300.344(a)(2) of the Federal Regulations)

## Maintaining Records on IEPs

Each educational agency providing special education programs and services is required to have an individualized educational program on file on each handicapped student receiving special education programs or services.

IEPs must be kept on file during the period they are in effect and for a minimum of three years from effective date [R 340.1873(3) of the Administrative Rules]. They may be kept on file after the specified period at the discretion of the public agency. Record keeping procedures are consistent with procedures specified in Chapter XVII of this document. The parents have the right to review and receive a copy of the IEP and related records as specified in the same chapter. Representatives of an intermediate district, state educational agency, or the Secretary of the Department of Education, have access to such records without parental consent as specified in Section 99.31 of P.L. 93-380. Chapter XVII, Confidentiality of Educational Records, discusses this section in more detail.

## CHAPTER VI. PROCEDURAL SAFEGUARDS

The Michigan Department of Education undertakes the necessary activities to assure that procedural safeguards are appropriately developed and maintained by the school districts throughout the state in accordance with Section 615 of P.L. 94-142.

Policies and procedures on procedural safeguards are the responsibility of the SEA. As specified in state law and federal regulations, the major responsibility is delegated to the superintendents of the respective school districts within this state.

Article 3 of the School Code of 1976 stipulates that the State Board of Education develop and continually evaluate and modify, in cooperation with intermediate school districts, an annual state plan for special education. The School Code requires intermediate school districts to develop and continually evaluate and modify, in cooperation with its constituent school districts, a plan for special education. State rules likewise require the involvement of Parent Advisory Committees in the development of the plan.

A description of the policies and procedures to be implemented and enforced regarding the procedural safeguards for handicapped students must be included as an integral part of each ISD plan. The SEA reviews intermediate school district plans to assure that each contains procedural safeguards.

On or before July 1 of each year, intermediate school districts submit to the Department, a new or modified plan to become effective on July 1 of the succeeding year. Any intervening modification to an intermediate school district plan is submitted to the Department, with a copy directed to each constituent local school district and the designated representative or chairperson of the parent advisory committee.

All public agencies receiving federal funds are required to identify procedures within their special education plans to assure procedural safeguards for handicapped students and to assure that parents, legal guardians, or surrogates are provided with information relating to all these procedural safeguards. ISD plans and project applications for P.L. 94-142 funds specify provisions for the conduct of the following:

1. Send written notice to parents, legal guardians, or surrogates of handicapped children, whenever the state agency, ISD or LEA proposes or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.

   The notice includes a full explanation of all procedural safeguards that relate to evaluation procedures, tests, records, or reports that the school district uses as a bases for proposal or refusal.

   The notice complies with both of the following requirements:

   (a) It shall be written in language understandable to the general public.

(b) It shall be provided in the native language of the parent, unless it is clearly not feasible to do so.

If the native language of the parent is not a written language, the agency takes steps to insure all of the following:

(a) That the notice is translated orally or by other means to the parents in their native language, if they do not understand English.

(b) That the parent understands the content of the notice.

(c) That there is written evidence that the requirements in subdivisions (a) and (b) of this subrule have been met.

The notice includes all of the following:

(a) A full explanation of all of the procedural safeguards available to the parents under part 2 of these rules.

(b) A description and explanation of the action proposed or refused by rule number and officially designated title, an explanation of why the agency proposed or refused to take the action, and a description of any options the agency considered, including the reasons why those options were considered or rejected.

(c) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal.

(d) A description of any other factors that are relevant to the agency's proposal or refusal.

[R 340.1723b]

2. Describe procedural safeguards necessary to accomplish the following:

(a) Insure confidentiality of personally identifiable information in the identification, evaluation, and educational placement and in the provision of free appropriate education to the student.

(b) Advise and inform handicapped persons, their parents, and other members of the community of the special education opportunities required under the law; the obligations of the local and intermediate school district; and the title, address, and telephone number of representatives of both the local and intermediate school districts who can provide information about the special education opportunities.

(c) Inform parents of their right to obtain an independent educational evaluation.

(d) Advise parents of the complaint process.

3. Provide for parental consent before:

(a) Initiation of formal evaluation procedures;

(b) Initiation of special education programs and services;

(c) Disclosure of confidential information to anyone other than school officials or authorized officials of participating agencies; and

(d) Use of information for purposes other than those previously specified to the parents.

(e) Medical evaluation.

(f) Use of personality tests.

If the parents refuse to grant consent for (a), (b) and (e) above, the due process hearing procedures detailed in number 6 of this chapter shall apply.

4. Describe the methods of informing parents of their right to obtain an independent educational evaluation, including how and where to have such an evaluation. This specifies parents' rights to have an independent evaluation at public expense if they disagree with the evaluation obtained by a public agency; and the public agency's right to initiate a hearing to show appropriateness of the public agency's evaluation; the parents' right to obtain another evaluation at their own expense; and their right to the use of the results in relation to the provision of FAPE to the child or as evidence for a hearing.

5. Describe other methods to insure parent participation if neither parent can attend, including individual or conference telephone calls. The school district or agency takes whatever action necessary to insure that the parents understand the proceedings at the meeting, and to include arrangements for interpreters for parents who are deaf, or others who require an interpreter because their native language is not English. [R 340.1721c of the Administrative Rules]

The following conditions apply when a meeting is conducted without a parent in attendance and after the agency attempts to convince the parents to attend.

The public agency must have a record of its attempts to arrange a meeting at a mutually-agreed upon time and place. This should include:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

6. R 340.1724 and R 340.1725 of the Administrative Rules afford parents the opportunity for an impartial due process hearing. These rules:

(a) Prohibit an employee or officer of the involved agency or any person having personal or professional interest in the hearing from conducting such a hearing;

(b) Guarantee the appointment of a mutually acceptable hearing officer or barring mutual acceptability, a hearing officer appointed by the state;

(c) Designate the operating school district as the agency responsible for conducting the hearing;

(d) Provide for the rights of parents in the hearing, including the right to be accompanied and advised by a counselor or other persons with special knowledge or training with respect to the problems of handicapped children; the right to present evidence and confront, cross-examine, and compel witnesses to attend the hearing; the right to a verbatim record of the hearing; the right to written findings of fact;

(e) Afford either party the opportunity to appeal the local decision to the SEA. Michigan law allows either party to seek court intervention if they do not agree with the SEA findings;

(f) Insure that all educational agencies operating special education programs conduct hearings and provide decisions with fair consideration of the issues involved; and in conformity with Section 300.512, render hearing decision no later than 45 calendar days after receipt of request for the hearing, or no later than 30 calendar days after receipt of appropriate request for state review and mail a copy of the decision to each of the parties.

(g) State that, unless otherwise agreed upon by the state or local education agency and the parents, the child involved will remain in his/her present placement during the pendency of any administrative or judicial proceedings pertinent to this part. If the hearing involves initial admission to public school, the child will be placed there until completion of proceedings, with the consent of the parent;

(h) Provide parties an opportunity to waive local hearing process and choose arbitration by a mutually acceptable third party, with the decision rendered by that third party binding on both parent and school;

(i) Insure impartiality in the hearing process;

Procedures assuring the rights of parents and the public educational agency to due process hearings should be detailed, particularly as these relate to such issues as evaluation, placement, IEP, and other areas relevant to special education programs and services. Parents shall likewise be assured of their right to have the child, who is the subject of the hearing present and to have the hearing open to the public, if they so desire.

State and federal regulations provide either party with the right to prohibit the introduction of any new evidence not made available to both parties at least 5 calendar days prior to the hearing.

(j) Assure that official conducting impartial review shall examine the entire hearing record, insure that procedures conform to due process, afford parties opportunity for oral or written argument or both, and seek additional evidence if necessary. Reviewing official shall make an independent decision and provide copies of this and related findings to involved parties.

7. Inform parents of any free or low-cost legal services and provide a list of hearing officers and their qualifications, if the parents request the information or the public agency requests a hearing. [R 340.1724(3)]

The SEA has a list of persons known to be serving as hearing officers. This document includes qualifications of these potential hearing officers. Likewise LEAs are required to maintain a list of hearing officers.

8. Assure that each hearing or review involving oral arguments is conducted at a time and place reasonably convenient to the parent and/or the child involved.

State Level Reviewing Officer

Although the state educational agency remains responsible for the final decision or review, officials reviewing for the state are not state employees. They are independent officials who are contracted to render the specific service. Their decisions are wholly theirs and not subject to modification by the Department or other state agency officials. State hearing officer decisions are final unless appealed to courts of competent jurisdiction. [R 340.1724b(4) of the Administrative Rules]

Surrogate Parents

Each public agency assures that the rights of the child are protected when no parents can be identified or their whereabouts are unknown. Michigan law requires the probate court to assign legal guardians or surrogate parents in the absence of the natural parents or when parents are unable to protect the child's legal

rights. Public Act 258 of 1974 makes provisions for guardianship of recipients of mental health services for residents of state institutions. Part VI of the Mental Health Code, which provides regulations for guardianship for residents of state institutions, is included as Appendix D.

The Department of Social Services is responsible for children placed outside of their homes by a court or state agency. As such, the DSS caseworker or case manager participates at IEPC process for handicapped students assigned to caseload. DSS Services Manual Bulletin B341 specifies this responsibility. The Michigan Social Welfare Laws of 1977 (Section 400.115a) defines the role of the case worker (Appendix C). Michigan defines eligibility of students in state institutions (Appendix D). The Department of Social Services' intent to deliver special education to eligible students in those institutions is contained in Appendix I.

These rules and procedures assure compliance with relating provisions of P.L. 94-142:

1. The surrogate has no other vested interest that would conflict with his/her primary allegiance to the child he/she represents;

2. The surrogate is competent to represent the child;

3. The surrogate is not an employee of the state or local education agency; and

4. The surrogate may represent the child in all matters relating to identification, evaluation, educational placement, and provision of a free appropriate public education.

Incarcerated youth in Michigan fall under two separate and distinct wardship categories. The wardship category is determined by the county juvenile court judge. The categories are (a) court wardship, or (b) state wardship.

In the event the judge declares a youth as a "court ward", the court assumes responsibility (along with the parent) for all programs and services provided to the child.

If the judge declares a youth a "state ward", the state assumes responsibility (along with the parent and court) for all programs and services to the youth. As soon as a youth is declared a state ward, the Department of Social Services assigns a county community services worker from the county of residence "who has the primary case responsibility..." (Appendix D).

The community services worker, as a case manager, then determines the placement for the purpose of seeking a suitable home (if necessary) for the state ward. In the event that the youth is committed to a state-operated facility, the community services worker of the county of residence is responsible for assuring that the rights of the child are protected, and that programs and services are provided to meet the child's special education needs.

If the child is suspected of being handicapped, a referral form is completed, and the parents, along with the county community service worker is notified of the referral, due process procedures, etc., and that a meeting date is

established to discuss the suspected handicap (Section 380.1711 and R 340.1721 to 1725 of the Administrative Rules, Appendix A). The county community service worker may attend (along with the parent) to assure that the youth receives appropriate programs and services. In the event that the parent is unavailable to attend or parent(s) is not identified for various reasons, the community services worker from the youth's county will represent the parent as a surrogate parent, as well as a state/county case manager on behalf of the child to assure that the rights of the child are respected.

It should be noted that the county community services worker or Social Services employee is not an employee of either the public agency or the institutional program that provides care or education to the child, but is an agent of the state/court, acting as the surrogate parent, to assure that services and programs are provided in accordance with the students special education needs.

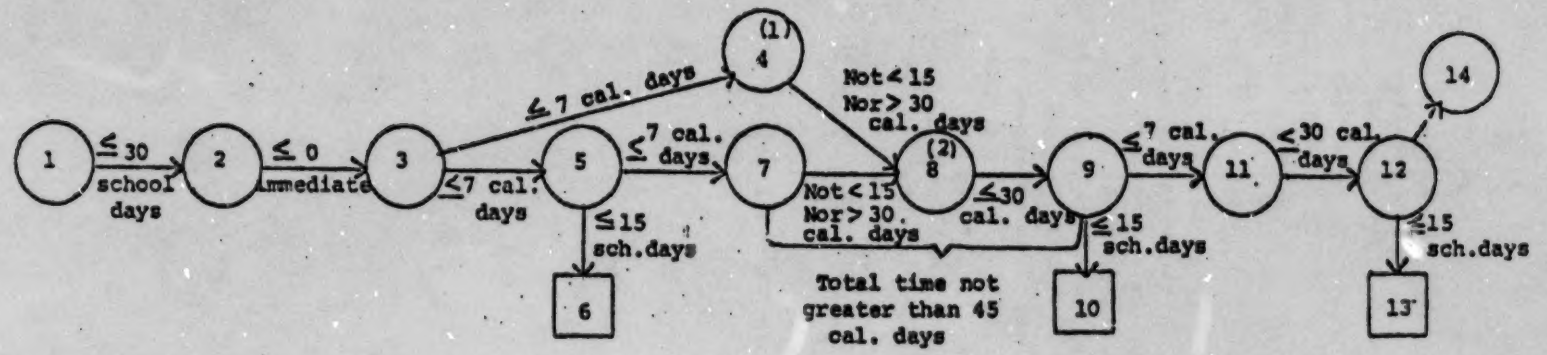
The State Board of Education has approved policies to insure the enforcement of this state's Mandatory Special Education Statutes. In April 1978, it granted authority to the SEA to enforce P.L. 94-142. Appendix F constitutes the Michigan Monitoring Standards. The Board likewise required that each ISD plan include assurances of compliance with P.L. 94-142. The SEA will use the same procedures for dealing with complaints regarding both P.L. 94-142 and the Michigan Mandatory Special Education Law. Procedures can be found in R 340.1851 thru 1854 of the Administrative Rules, Appendix B.

Included in the assurances for compliance are requirements for each ISD to monitor and enforce the policies and procedures set forth in this State Plan.

Chart 3 illustrates the due process hearing procedure and Chart 3 projects the complaint and investigation process.

CHART 3

SPECIAL EDUCATION DUE PROCESS HEARING PROCEDURE (P.A. 451)




1. Referral for possible special education services (or consent) received by school district.
2. IEPC completed.
3. Superintendent of operating district receives IEPC decision.
4. Superintendent appeals IEPC decision and requests a hearing.
5. Parent notified of decision.
6. No appeal by either parent, district of operation, or district of residence is received. Therefore, placement is made.
7. Parent appeals IEPC decision and requests a hearing.
8. Local hearing is convened and completed.
9. Local hearing decision is rendered.
10. No appeal by parties; therefore decision is implemented.
11. One or more of the parties appeal and request a state hearing/review.
12. State hearing/review decision rendered.
13. Decision implemented.
14. Administrative review process exhausted. Parties only recourse to disagree is through courts.

LOG

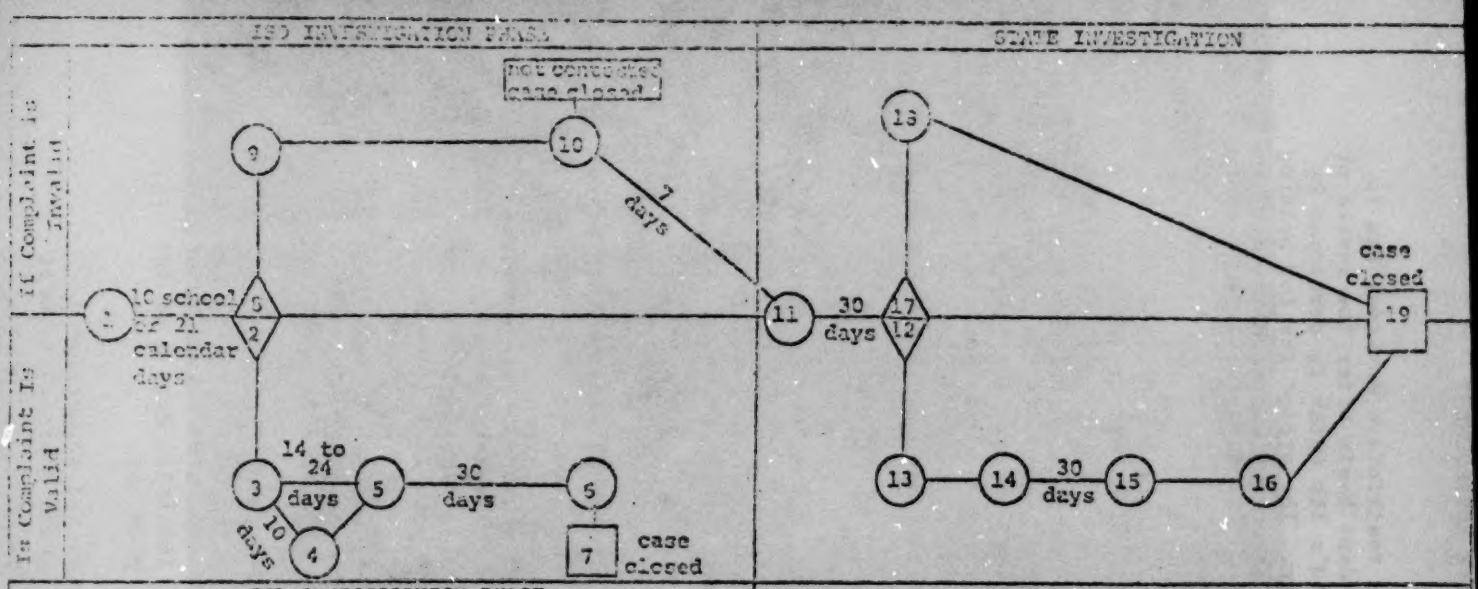
< means "less than"
> means "more than"
≤ means "less than or equal to"
"cal. days" means calendar days
"sch. days" means school days

(1) If the district of residence is different from the district of operation, the superintendent of the district of residence may also request a hearing in the same manner as can the district of operation.

(2) The parties by mutual agreement may enter into arbitration in lieu of hearing process. Refer to R 340.1724(4) for further guidance.

CHART 4

COMPLAINT/INVESTIGATION PROCESS




| ISD INVESTIGATION PHASE | STATE INVESTIGATION PHASE |
|---|---|
| 1. Complaint rec'd by ISD, 10 school to 21 calendar days to investigate. | 11. MDE receives complainant's request for St. investigation. SESA has 30 calendar days to investigate. |
| 2. ISD investigation report completed-violation found. | 12. State investigation finds violation. |
| 3. School district, complainant & MDE, rec'd copies of report. | 13. SESA sends directive to come into compliance and notifies of right to appeal state decision to U.S. Dept. of Ed.; copies all parties. |
| 4. School district's statement of intended corrective action rec'd by MDE. | 14. Sch. district receives directive (unless appealed or unless otherwise specified) has 30 days to come into compliance or state why it cannot comply. |
| 5. MDE sends directive within 14 days of receipt of report and the district's "intention" response statement. Directive requires coming into compliance. | 15. Proof of compliance or statement that they cannot comply is rec'd by MDE, or sch. dist. fails to respond. |
| 6. School district proof of compliance, or statement that they cannot comply is rec'd by MDE, or sch.dist. fails to respond. | 16. SESA accepts proof or takes other appropriate action. |
| 7. MDE closed case after accepting proof of compliance or takes other appropriate action. | 17. St. invest. finds -- no violation. |
| 8. ISD investigation completed - no violation. | 18. SESA forwards report of no violation to all parties. Notifies of right to appeal state's decision to U.S. Dept. of Ed. |
| 9. Sch. district, complainant & MDE receive report. | 19. Unless appealed to U.S. Dept. of Ed., SESA closes MDE state invest. case. Copies all parties. |
| 10. Complainant receives MDE notice of right to contest and request state invest. on findings of no violation. Complainant given 7 days to contest. | |

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## CHAPTER VII. LEAST RESTRICTIVE ENVIRONMENT

The assignment of handicapped students to least restrictive environments is made by the superintendent on an individual student basis after the review of IEPC reports. Assignment is based on each child's IEP which is developed by the committee after determination of eligibility. The procedures for holding IEPC meetings are detailed in Chapter V. This chapter likewise details procedural requirements as contained in Public Law 94-142 and the Michigan Administrative Rules.

Assignment to special classes, or if necessary, separate facilities, may be recommended to the superintendent by the IEPC if the nature or severity of the handicap is such that the student's educational, social and physical needs cannot be achieved satisfactorily in the regular education environment. R 340.1722 of the Administrative Rules establishes procedures that assure the provision of least restrictive educational environments to handicapped students on an individual basis. Relating rules also provide parents the right to request a hearing if they disagree with the assignment. Chapter VI of this plan describes the procedures for requesting and conducting hearings.

### Special Education Programs and Services

The requirement to place each handicapped student in the least restrictive environment cannot be achieved unless every educational agency in the state has access to a total continuum of special education programs and services. The SEA reviews each ISD plan yearly to assure that this continuum is available as a condition of the recommendation of the plan for approval by the State Board of Education.

Section 380.1711 of the School Code of 1976 requires each intermediate school district to:

> Develop, establish, and continually evaluate and modify, in cooperation with its constituent districts, a plan for special education which shall provide for the delivery of special education programs and services designed to develop the maximum potential of each handicapped person for whom the intermediate school board is required to maintain a record under subdivision (f). The plan shall coordinate the special education programs and services operated or contracted for by the constituent districts and shall be submitted to the State Board for its approval.

The State Board has promulgated rules identifying the continuum of programs and services to be operated or contracted for by the intermediate school district and to be included in the ISD plan. R 340.1832, Part I of the Administrative Rules specifically requires each plan to:

> Describe the special education basic programs and supportive services, including vocational training programs designed to meet the educational needs of handicapped persons.

As a minimum, each public agency must provide or contract for the provision of the following:

| 1. Required Classroom Programs | Administrative Code Reference |
|---|---|
| Educable Mentally Impaired | R 340.1740 |
| Emotionally Impaired | R 340.1741 |
| Hearing Impaired | R 340.1742 |
| Learning Disabled | R 340.1747 |
| Physically & Otherwise Health Impaired | R 340.1744 |
| Preprimary Impaired | R 340.1754 |
| Severely Mentally Impaired | R 340.1738 |
| Severely Multiply Impaired | R 340.1748 |
| Trainable Mentally Impaired | R 340.1739 |
| Visually Impaired | R 340.1743 |
| Autistic Impaired | R 340.1758 |

2. Required Services

| | |
|---|---|
| Services to Preprimary Age Children | R 340.1755 |
| Speech and Language Services | R 340.1745 |
| Teacher Consultant | R 340.1749 |
| Transportation | Section 1756 |

The Department of Education has approved the following classes of teacher consultants:

(a) Teacher consultants for the mentally impaired;
(b) Teacher consultants for the emotionally impaired;
(c) Teacher consultants for the learning disabled;
(d) Teacher consultants for the hearing impaired;
(e) Teacher consultants for the visually impaired; and
(f) Teacher consultants for the physically and otherwise health impaired.

Each public agency must hire or contract for the services of the various types of teacher consultants for supplementary instructional services to meet the needs of each student, as required through the IEPC process.

3. Required Diagnostic Services

Medical evaluation is required for:

| | |
|---|---|
| (a) Hearing Impaired | R 340.1707 |
| (b) Physically and Otherwise Health Impaired | R 340.1709 |
| (c) Severely Multiply Impaired | R 340.1714 |
| (d) Visually Impaired | R 340.1702 |
| Medical evaluation, if needed for learning disabled | R 340.1713 |
| Audiological evaluation for Hearing Impaired | R 340.1707 |

| | |
|---|---|
| Orientation and Mobility Evaluation for Visually Impaired | R 340.1721(a)(7) |
| Regular Education Teacher for Learning Disabled Students | R 340.1721(a)(4) |
| Psychological Evaluation for: | |
| (a) Educable Mentally Impaired | R 340.1705 |
| (b) Severely Language Impaired | R 340.1756 |
| (c) Severely Mentally Impaired | R 340.1703 |
| (d) Trainable Mentally Impaired | R 340.1704 |
| A School Social Worker, and a School Psychologist or Psychiatrist for | |
| (a) Emotionally Impaired | R 340.1706 |
| (b) Autistic Impaired | R 340.1715 |
| Teacher of the Speech & Language Impaired for | |
| (a) Speech & Language Impaired | R 340.1710 |
| (b) Autistic Impaired | R 340.1715 |

4. Other Programs and Services for the Handicapped

The rules identify the following programs or services and allow districts to operate or contract for them as needed:

| | |
|---|---|
| Homebound and Hospitalized | R 340.1746 |
| Occupational, Physical, Music, Work and Other Therapy | R 340.1701a |
| Program in Juvenile Detention Facilities | R 340.1757 |
| School Psychology and Social Work | R 340.1701a |
| Severely Language Impaired Program | R 340.1756 |
| Work Activity Center Service | R 340.1701b |
| Work Study Services | R 340.1733 |

The public agency assures that educational programs prescribed through the IEPC process are provided for each handicapped student.

Duration of Programs and Services

R 340.1733(j) of the Administrative Rules establishes the following criteria regarding the availability of programs and services:

> Special education programs and services shall be provided for at least 180 days and 900 clock hours per pupil contact in conformance with the child accounting rules, R 340.1 to R 340.13 of the Administrative Rules, but the number of hours and days for a special education program or service shall be not less than that required for regular education programs.

Programs for the severely mentally impaired and the severely multiply impaired include a minimum of 230 days and 1,150 clock hours.

Programs for children ages birth to 6 with the following diagnostic categories, are provided at a minimum of 144 days and 360 clock hours: educable and trainable mentally impaired, emotionally impaired, physically and otherwise health impaired, severely language impaired, preprimary impaired, visually impaired, hearing impaired, and learning disabled.

Placement in the Least Restrictive Environment

The State Board of Education subscribes to the concept that handicapped children, including children in institutions or other care facilities, should be educated with children who are not handicapped whenever appropriate. R 340.1722 of the Administrative Rules (Appendix A) holds the superintendent of each operating district responsible for assigning a handicapped person to the facility where the programs and services, as described by the IEP or as directed by a hearing officer, are to be provided, and in accordance with timelines specified in R 340.1722a. In effecting appropriate placements, the superintendent assures the following:

(a) That to the maximum extent appropriate, handicapped persons are assigned with non-handicapped. They are expected to attend a school in their district of residence and in the same building as other children of the same age, grade and/or ability.

(b) That assignment to special classes, separate schools, or the removal of the handicapped person from the regular education environment occurs only when the nature and severity of the handicap is such that education in a regular class with use of supplementary aids and services cannot be achieved.

(c) That handicapped persons whose disability is such that they require assignment in special classes or facilities are assigned to programs or services as close as possible to their home.

(d) That in making the assignment, consideration shall be given to the accessibility of physical facilities, socially accepting environments, and to any potential harmful effects to the student or the nature of services which the student needs. To assure the availability of appropriate and socially accepting environments, teachers and other personnel are provided with adequate inservice, preservice training, and technical assistance. Activities detailed in the chapter for Comprehensive System of Personnel Development focus on providing information and training to personnel to develop attitudes and competencies that will assure the provision of better services to the handicapped in least restrictive environments. (Chapter IX)

(e) That each handicapped person shall be given the opportunity to participate with nonhandicapped persons in nonacademic and extracurricular activities and services. Nonacademic and extracurricular activities and services may include, but may not be limited to, meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, and special interest groups or clubs sponsored by the public agency; referrals to agencies that provide assistance to handicapped persons such as employment and other agencies for services based on need.

If a handicapped person is assigned to a facility that houses nonhandicapped persons, the involvement of the handicapped person in the above activities and services shall be to the maximum extent appropriate to the handicapped person's needs.

(f) That a staff person shall be appointed responsible for the implementation of the individualized education program. This person shall be either the principal of the building offering the handicapped person's primary educational program or other staff person who is generally accessible to the staff and who will be working with the handicapped person.

It is the responsibility of the public agency to assure that handicapped students are placed in the regular education program where the diagnostic data indicates the placement as consistent with the educational, social, and physical needs of the individual student. If there is evidence that a handicapped student does not have the knowledge, skills or behaviors needed to succeed in the regular education environment, the school district will determine if the student can succeed with the help of:

1. Supportive personnel such as teacher consultants;

2. Adapted methods, materials and/or techniques such as braille books, etc.;

3. Modification of the environment such as elimination of architectural barriers; or

4. Other compensatory adjustment to assure the child can succeed educationally, socially and physically.

Public agencies are expected to educate handicapped children in the building where they would normally attend unless one or more of the following are required:

1. Special facilities such as therapy pools or physical therapy rooms;

2. Materials and equipment which are not normally available and are nonportable in nature such as amplification equipment placed in a building to accommodate the hearing impaired;

3. Medical personnel such as school nurses, or other personnel trained to handle medical emergencies associated with specific handicaps or physical conditions;

4. Home and hospital programs for medical treatment, or psychiatric therapy for students who cannot be physically transported to the school settings. The inability to be transported means not being able to ride on an approved school vehicle in a regular seat, wheelchair, or an approved baby seat. This specifically excludes students who need ambulance service, a medical attendant, or other care outside the responsibility of the schools.

5. Special education classroom programs designed for children who cannot function in a regular classroom for all or part of the day.

6. Special education classroom programs designed for students who are not capable of completing the normal course of study for high school graduation may be provided in separate school facilities. These programs may include those for the severely involved impairment areas. The programs must be included in an approved ISD plan.

Sec. 1711 of the School Code requires school districts to assure the availability of a continuum of programs and services. This may be done by having programs operated within the ISD, by contracting with another ISD, etc.

Programs and services for handicapped students whose behavior is such that court or state agency has determined them not eligible for educational participation in public schools may not be available in the public schools. This includes handicapped students in the following settings: juvenile detention facilities; Department of Mental Health-operated programs for the emotionally impaired; Department of Social Services-operated custodial facilities, and boys and girls training schools; and prisons or jails. The courts or the state agencies are responsible for the provision of educational services to students of this category.

To assure that the least restrictive environment will not produce a harmful effect on a child or reduce the quality of programs and services required, the appropriate administrator, teacher, diagnostic person or parent may request the superintendent of the operating district to have the child reevaluated to assure appropriate placement. (300.534)

If there is evidence that placements are inconsistent with the established procedures, the review and implementation of corresponding corrective action shall be based on the state investigation procedures specified in R 340.1851.

Least Restrictive Environment for Residents of State Institutions for the Developmentally Disabled

Federal and state laws require that special education programs and services provided to all handicapped students, including residents of Department of

Mental Health facilities, be delivered in the least restrictive environment. As a result of this requirement, residents of state institutions and nursing homes who are physically capable are to be transported to public school settings to receive special education programs and services.

Regardless of other reasons for institutional placement, no child in an institution for the developmentally disabled who is capable of learning in a regular public school setting may be denied access to an education in that setting. Chapter XV of this Plan discusses this more fully.

Least Restrictive Environment for Vocational Education

Many of Michigan's school districts provide vocational education in centralized schools or area skill centers. Handicapped students have equal access to these programs. Federal vocational education funds are used to adapt regular vocational education settings to meet the needs of handicapped students who would otherwise not qualify for participation in regular vocational education programs.

Availability of Vocational Rehabilitation Services

Handicapped students who are in their last year of school or who would otherwise qualify may be referred for vocational rehabilitation services at the Michigan Rehabilitation Services. Appendix G contains a copy of the Cooperative Agreement Between Special Education Services, Vocational Education and Vocational Rehabilitation Services.

Description of Major Problem Areas Encountered in Making Alternative Placement Available to Meet Needs of Handicapped Children

The following are problems identified by school and other public agencies in relation to provisions of additional services:

1. There are some school districts that have been unable to hire or contract for physical therapists. There are other districts that are having difficulty obtaining this service in a timely manner due to the shortage of physical therapists in Michigan.

2. Some sparsely populated intermediate school districts have difficulty providing the total range of special education programs and services. These districts often rely on their neighbors for the delivery of special education programs and services, particularly those involving low incidence areas. In some instances, these districts have difficulty locating available and appropriate programs with which they can contract service and, in many cases, there are problems in coordinating transportation between intermediate districts. These problems often result in a delay of assignment to appropriate programs.

3. The decentralization of Department of Mental Health-operated programs for the developmentally disabled and their subsequent residence in homes within ISD service boundaries have added more handicapped students to school districts which may have to provide specially designed programs for the severely multiply

impaired. Over the past few years, SES has provided impact aid through Section 53 of the State School Aid Act.

4. The State Commission for the Blind has indicated that orientation and mobility specialists are not available in every area of the state. An O & M Directory has been developed and legal action taken to allow ISD's to contract with the Commission for the Blind for O & M specialists.

5. The Michigan Rehabilitation Services and Vocational Education Services of the Department of Education have identified the need for a model vocational education delivery system for handicapped students who cannot have their educational needs met in regular or adapted vocational education programs. A model has been developed to provide junior high school students with vocational training.

6. There is a shortage of trained personnel to meet the motor skill/physical education needs of handicapped children in the state. New rules for the training of physical education teachers for the handicapped have been developed.

## CHAPTER VIII. PROTECTION IN EVALUATION PROCEDURES

The State Board of Education has established requirements to assure that testing and assessment materials, and relating procedures on evaluation and placement of handicapped children, are not racially or culturally discriminatory. Before providing or denying special education placement to a student, a comprehensive individual evaluation of educational needs is conducted. Procedures relating to this evaluation are established in ISD plans (R 340.1832 of the School Code found in Appendix A). Assessment materials and relating procedures are provided and administered in the child's native language or mode of communication, unless it is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child. R 340.1721a of the Administrative Rules (Appendix A) details the requirements school districts have to meet to assure the protection of the handicapped in evaluation procedures.

As a condition of receipt of funds, each public agency provides written assurances regarding the protection of the student in evaluation procedures. The assurances guarantee the following:

1. Each student suspected of being handicapped shall be evaluated by a multi-disciplinary evaluation team as defined in R 340.1701a(e). Members of the team may include other qualified personnel in areas related to the suspected disability, including, where appropriate, the following: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor ability.

2. The multi-disciplinary team shall complete a diagnostic evaluation, including a recommendation of eligibility or noneligibility, and shall prepare a written report to be presented to the individualized educational planning committee by the appointed multi-disciplinary team member. The report shall include, but not be limited to, information needed to determine eligibility and educational data which identifies the student's current level of educational performance. Information presented to the individualized educational planning committee shall be drawn from a variety of sources: parent input, aptitude and achievement test results, teacher recommendations, physical condition, social or cultural background, adaptive behavior, and other pertinent information. No single procedure shall be used as the sole criterion for determining an appropriate educational program for a student.

3. When evaluating a student suspected of being handicapped, the public agency shall assure that tests and other evaluation materials used by members of the multi-disciplinary team are administered by trained personnel in conformance with the instructions provided by their producer; are validated for the specific purpose for which they are used; are designed not merely to provide a general intelligence quotient, but also to assess specific areas of educational need; are reflective of the person's aptitude or achievement or whatever other factors the test purports to measure rather than the person's impaired sensory, manual, or speaking skills, unless this is what the test is intended to measure; and are selected and administered so as not to be socially or culturally discriminatory.

4. When evaluating a person suspected of having a specific learning disability, at least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age. The multi-disciplinary evaluation team shall complete a written report in accordance with R 340.1721a(5).

5. When evaluating a person suspected of being emotionally impaired, the multi-disciplinary team report shall include documentation in accordance with requirements of R 340.1721a(6).

6. When evaluating visually impaired students who have a visual acuity of 20/200 or less after routine refractive correction, or who have a peripheral field of vision restricted to not more than 20 degrees, an evaluation by an orientation and mobility specialist shall be conducted. The report must include a set of recommended procedures to be used by a mobility specialist or a teacher of the visually impaired in conducting orientation and mobility training activities. [R 340.1721a(7)]

Each public agency also assures that procedures for evaluation conform to mandated criteria and that such evaluation shall be conducted at least every three years and/or whenever conditions warrant and the child's parent or teacher requests reevaluation. If a student has recently been evaluated, the school district determines the need for additional evaluation. A reevaluation of at least once in every three years shall redetermine eligibility. This is conducted according to procedures established for the initial evaluation defined in Administrative Rules.

The Department of Education has developed the following materials and has made them available to public and private agencies to help them in nondiscriminatory assessment:

1. Assessment and Specific Concerns of the Severely Visually Impaired Student (Low Incidence Population). The document is the result of an institute conducted for school psychologists and other diagnostic personnel to help them assess severely visually impaired students and other low incidence impaired persons.

2. Information Necessary for the Placement of Special Education Students. This document is the result of an institute and contains data that can aid in minimizing complaints of discriminatory assessment by providing school personnel with directions and information on appropriate evaluation materials.

3. Severely Emotionally Impaired/Autistic. A videotape and a document of institute proceedings on this area has been compiled.

4. Assessment of the Physically and Otherwise Health Impaired (Low Incidence Population). The document of the proceedings of an institute for diagnostic personnel is useful for school psychologists and other diagnostic personnel in the assessment of the POHI student.

5. Parent Consultation as an Alternative to Litigation. A document on the proceedings of an institute which involved experts from the University of Michigan was developed. It describes methods and approaches for consulting with parents to effect better communication and limit litigation.

6. The Law as it Pertains to Assessment and Placement of Handicapped Persons. The document contains the latest information on what the courts are saying about special education assessment and placement.

7. Due Process Model Training. The document presents a model on due process training procedures that are consistent with the Michigan Mandatory Special Education Law and P.L. 94-142. The material includes a manual and a slide tape presentation.

8. The IEPC Process. A Handbook for Consumers and Providers which contains information on the procedures to be used to prepare for and implement the IEP. It includes information on non-bias assessment.

9. A Handbook for Parents. This document explains parent's rights related to referral, diagnosis, eligibility, placement and follow-up of handicapped students. It is printed in English, Spanish and Arabic.

## CHAPTER IX: COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

### Scope of System

The Special Education Services (SES), in conjunction with the Office of Professional Development of the Michigan Department of Education, the fifty-seven ISDs, and the twenty-two Special Education Learning Materials Centers (SELMCs) has developed a plan for Comprehensive System of Personnel Development (CSPD) which focuses on needs identified by SES through statewide needs assessment and on-site monitoring. The CSPD plan, in addition to the needs assessment, includes: determination of priorities, advisement from the Special Education Personnel Development Advisory Committee (SEPDAC), nature and extent of available resources, dissemination, training, and corresponding systems evaluation.

The Plan is established to comply with the following requirements of P.L. 94-142: information and training to both regular and special education teachers to enable them to provide more meaningful experiences for handicapped students in the least restrictive environment; technical assistance to teacher-training institutions on potential revisions of training curricula; technical assistance to parents to apprise them of current information on rules and regulations regarding P.L. 94-142 and their rights as specified in the law; and assistance to other groups such as support personnel, to assure their awareness of their role in the state's commitment to educate handicapped children and youth in the least restrictive environment. The determination of groups to be addressed and the content of their training is based on the statewide needs assessment.

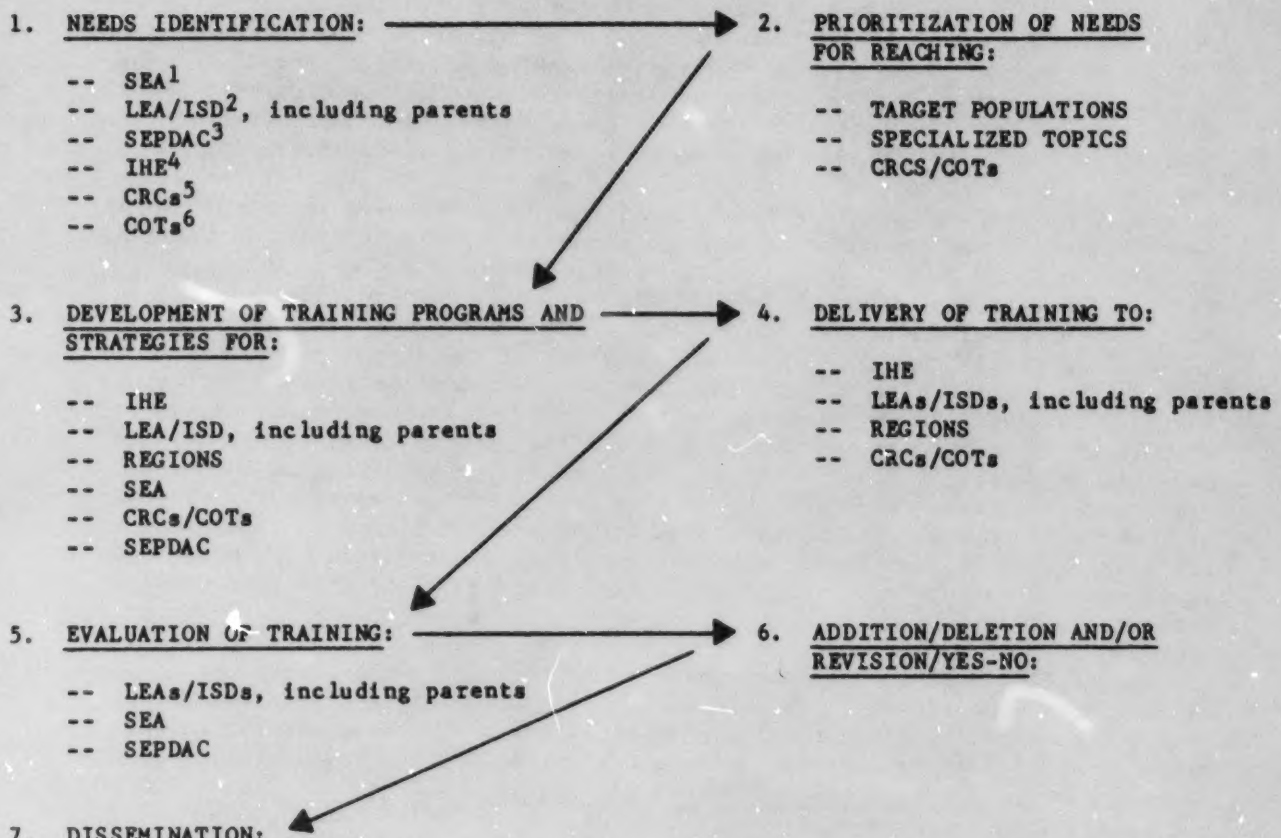
SES has developed a human resource bank that provides information on professionals who have capabilities to provide training. These names can be retrieved from the Information Dissemination Service Center of the State Library. This cadre of trainers and training has been identified through human resources surveys and the Michigan Association of Curriculum Resource Consultants (CRCs) and constitutes the inservice training corps for FY 1983-84 through 1985-86. This comprehensive system of personnel development provides for the participation of all educational units within the state, including: ISDs and corresponding LEA constituencies, parents, and teacher training institutions. These participants are involved in determining and prioritizing needs, developing training objectives and strategies, evaluation, and revision of the CSPD Plan.

Chart 5 illustrates the structure of the CSPD Plan.

Chart 6 reflects the composite for all personnel development activities for FYs 1983-84 thru 1985-86. Table 2 contains a more finite delineation of personnel who will constitute the target audience for inservice activities.

## CHART 5

## COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

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[1]State Education Agency

[2]Local Education Agency/Intermediate School District

[3]Special Education Personnel Development Advisory Committee

[4]Institutions of Higher Education

[5]Curriculum Resource Consultants

[6]Coordinators of Training

CHART 6

Composite of Proposed CSPD Activities

| CSPD Activities | Receiver of Training | Number of People | Geographical Scope | Content | Training Level |
|---|---|---|---|---|---|
| 1. PARTICIPATORY PLANNING: | | | | | |
| Special Education Personnel Development Advisory Committee (SEPDAC) | Committee Members | 13 | State | Dissemination<br>Review<br>Advisement - Resources from data collection | N/A |
| a. Institutions of higher education (IHE) offering teacher training programs in special education | University Personnel | 18 | State | Dissemination<br>Review<br>Advisement | N/A |
| b. Curriculum Resource Consultants (CRCs) | CRCs | 40 | State<br>ISD<br>LEA | Dissemination<br>Review<br>Advisement<br>Skills Workshops | N/A |
| c. Persons designated to coordinate CSPD Programs in ISDs/LEAs and Coordinators of Training (COTs) | COTs | 60 | State<br>ISD<br>LEA<br>Region | Dissemination<br>Review<br>Advisement<br>Skills Workshops | N/A |
| 2. GRANT(S): | | | | | |
| a. CSPD Programs based on results of a statewide needs assessment $250,000 | General and Special Education Personnel working with handicapped<br><br>Parents | 26,906* | State<br>ISD<br>LEA<br>Region | Based on results of the needs assessment | Based on content and intended audience to include as a minimum:<br><br>Awareness<br>Knowledge<br>Skill Development<br>Skill Application |

| CSPD Activities | Receiver of Training | Number of People | Geographical Scope | Content | Training Level |
|---|---|---|---|---|---|
| b. CSPD Programs to meet specialized needs ($45,000) | ---- | 7,798* | ---- | ---- | ---- |
| (1) Committee activities related to the provision of CSPD Programs | SEPDAC | 100 | State<br>IHE<br>ISD<br>LEA | Review and Advisement | N/A |
| (2) Arts for the Handicapped | General & Special Education Personnel working with handicapped | ** | State<br>ISD<br>LEA<br>Region | Arts Education | Awareness<br>Knowledge<br>Skill Development<br>Skill Application |
| (3) Curriculum Development and Innovative Projects | General & Special Education Personnel working with handicapped | ** | State<br>ISD<br>LEA<br>Region | Project Information<br>NDN Programs | Awareness<br>Knowledge<br>Skill Development<br>Skill Application |
| (4) Teacher Competencies | General and special education teachers | ** | State<br>ISD<br>LEA<br>Region | Use of teacher competency manual | Awareness<br>Knowledge<br>Skill Development<br>Skill Application |
| (5) Training Related to Parents Needs | Parents; General & Special Education Personnel | ** | State<br>ISD<br>LEA<br>Region | to be determined | to be determined |

| CSPD Activities | Receiver of Training | Number of People | Geographical Scope | Content | Training Level |
|---|---|---|---|---|---|
| (6) Role and Functions in the Hearing and Complaint Processes | New persons desiring to be hearing officers; review for those having earlier training | ** | State<br>ISD<br>LEA<br>Region | Dissemination of training materials for hearing officers | Awareness<br>Knowledge<br>Skill Development<br>Skill Application |
| (7) Procedures for Suspension and Expulsion | General & Special Education administrators working with handicapped and/or suspected handicapped students | ** | SEA<br>ISD<br>LEA | New procedures and how to implement | Awareness<br>Knowledge<br>Skill Development<br>Skill Application |



*See Table 2, page 54

**Count included in "2. GRANTS: b."

TABLE 2

PROJECTED NUMBER OF PERSONS TO RECEIVE
INSERVICE TRAINING DURING THE SCHOOL YEAR 1984-85

| | Type of Audience | | | 1984-85 |
|---|---|---|---|---|
| 1.0 | GENERAL EDUCATION INSTRUCTION PERSONNEL WHO ARE WORKING WITH HANDICAPPED STUDENTS | | | 13,347 |
| | A. CSPD Programs based on statewide needs assessment: | (65%) | 3.676 | |
| | B. CSPD Programs to meet specialized needs: | (35%) | 4,671 | |
| 2.0 | GENERAL EDUCATION ADMINISTRATIVE PERSONNEL | | | 3,633 |
| | A. CSPD Programs based on statewide needs assessment: | (80%) | 2,906 | |
| | B. CSPD Programs to meet specialized needs: | (20%) | 727 | |
| 3.0 | SPECIAL EDUCATION INSTRUCTION PERSONNEL | | | 9,117 |
| | A. CSPD Programs based on statewide needs assessment: | (80%) | 7,294 | |
| | B. CSPD Programs to meet specialized needs: | (20%) | 1,823 | |
| 4.0 | SPECIAL EDUCATION ADMINISTRATIVE PERSONNEL | | | 1,461 |
| | A. CSPD Programs based on statewide needs assessment: | (85%) | 1,242 | |
| | B. CSPD Programs to meet specialized needs: | (15%) | 219 | |
| 5.0 | RELATED ANCILLARY SERVICE | | | 2,331 |
| | A. CSPD Programs based on statewide needs assessment: | (95%) | 2,214 | |
| | B. CSPD Programs to meet specialized needs: | (05%) | 117 | |
| 6.0 | SUPPORT PERSONNEL | | | 4,815 |
| | A. CSPD Programs based on statewide needs assessment: | (95%) | 4,574 | |
| | B. CSPD Programs to meet specialized needs: | (05%) | 241 | |
| | TOTALS: | | | 34,704 |

TOTALS: A 26,906
TOTALS: B 7,798

The projected counts may vary due to the development of a new CSPD Plan for 1984-85. CSPD may also be included in LEAs/ISDs based on local needs. SEA establishes procedures necessary to provide training to specified target audiences in LEAs/ISDs on content areas identified through a statewide needs assessment.

## I. THE COMPREHENSIVE SYSTEM FOR PERSONNEL DEVELOPMENT (CSPD)

The following are the components of the personnel development system:

A. An Annual Statewide Needs Assessment is conducted to either identify new needs or reaffirm needs previously identified. The process for assessing needs involves a three-step sequence of specific activities:

1. Analysis of existing records:
   (a) Review SEA on-site monitoring reports; and
   (b) Review, tabulate and analyze the needs assessment from LEAs/ISDs and the state as a whole, including parents.

2. Comparison of previous years' needs assessment to include:
   (a) Training priorities from previous year; and
   (b) Training evaluations from previous year.

3. Collection of opinions, observations and interactions from:
   (a) Four hearings conducted in different localities throughout the state;
   (b) Formal feedback from the state Special Education Advisory Committee;
   (c) A written survey of members of the Special Education Personnel Development Advisory Committee (SEPDAC);
   (d) Meetings with providers and consumers;
   (e) Workshops involving designated coordinators of training and/or curriculum resource consultants from each LEA/ISD;
   (f) Statewide organizations.
   (g) Parents of the handicapped.

4. The results of a statewide needs assessment constitute the primary basis for:

   (a) Establishing and identifying content areas, target populations and levels of training required for regular classroom teachers, special education teachers, parents, teacher aides, support personnel, operations personnel, university personnel, administrators, hearing officers, and other groups whose concerns are allied to those of handicapped students;

   (b) Reviewing and identifying training priorities in light of the training delivered during the preceding fiscal year. This review is a collaborative activity involving all units of the CSPD;

   Chart 6 presents the interfacing of responsibilities for all agencies involved in the Comprehensive System of Personnel Development (CSPD):

(c) Collecting the updated number of available qualified personnel; the number of new personnel needed; the number of personnel requiring retraining; the content areas in which training is needed; the groups requiring training; and the training levels required to be addressed. SEA disseminates this information to: universities to assist their planning program development and SEPDAC to assist them in developing priorities for preservice and inservice;

(d) Providing SEA information relative to personnel and needs projection on an annual basis. The research study entitled "Staffing Patterns in Special Education, 1975 through 1983" completed June 1, 1984, was used to determine target populations and preservice training priorities. Table 2 reflects an estimated number of university personnel slated for training in addition to those identified by the research study.

B. Prioritization of Needs. The SEA coordinates the prioritization of identified needs by soliciting input from such agencies or groups as SEPDAC, parent and professional organizations, Department personnel, advocate groups as well as other educational agencies throughout the state. Identified needs are prioritized according to criteria developed to determine urgency of need.

C. Development of Training Programs and Strategies. After priorities are established, SEA, with input from SEPDAC, will develop training programs, plan for the implementation of these programs, and provide technical assistance as needed.

D. Delivery of Training. Training based on statewide priorities is coordinated by the SEA staff. This training may be delivered by personnel from institutions of higher education, ISDs and/or LEAs. The human resource bank is a source of assistance in the development and the implementation of these training activities.

The types of training are defined as follows:

1. AWARENESS TRAINING. This type of training focuses primarily on attitudinal change. At this level, new information is being introduced and participants realize the importance of the area and begin to focus on it. They acquire an idea of the major issues, relating content, and basic concepts.

2. KNOWLEDGE TRAINING. This type of training focuses primarily on cognitive change. This level assumes that the participants are aware of key concepts involved. They will acquire expansion of these key concepts, relating organized knowledge, and underlying theories. Presentations at this level will provide participants with factual information to enable them to draw conclusions and recall information for decision making.

3. SKILL DEVELOPMENT. This level allows participants to engage in activities through demonstrations under laboratory conditions with appropriate feedback. The focus is on specific methods, techniques or procedures through simulation. The purpose of inservice at this level is to provide specific usable skills which teachers may apply in their classrooms. Vehicles for developing these skills include observation and collaboration with other teachers, demonstrations, hands-on practicum, video tapes and critique, retreats, make and take, role playing, simulations, collaborative teaching, etc.

4. SKILL APPLICATION. At this level, skills which have been developed under relatively controlled conditions are applied in the classroom setting. Teachers implement procedures for individuals, present materials in a variety of ways, etc. While skill application is usually seen as a goal of the three previous levels, it also represents a final level of training. The skills are observable within the classroom with students.

E. Evaluation of Training. All training activities are evaluated using SEA developed procedures. The inservice providers are responsible for providing this information to the SEA staff. SEA compiles and analyzes data on an annual basis. These reports are generated for accountability purposes, and for use as a basis for the comparison of needs, targeted population, and content.

F. Revision. Future training activities are determined by evaluation and needs assessment results. SEA, IHEs, Regions, ISDs, and LEAs revise their own training plan on the basis of participant evaluations, needs assessment updates, staff input and/or concerns from OSE, etc.

G. Dissemination. Information on CSPD activities are disseminated to school districts and advocate groups through the Statewide Communication and Dissemination System, Department of Education publications, etc.

## II. CSPD DELIVERY SYSTEM

The components of the CSPD Delivery System are:

### A. INSERVICE

At the onset of each training year, SEA, through needs assessments and needs prioritization, establishes priorities for emphasis. Fiscal and technical assistance are provided to school districts as a result of the needs assessment and the prioritization of these needs.

SEA is responsible for the development of a needs assessment and relating these results to the provision of training through inservice, particularly as needs relate to the requirements of P.L. 94-142.

The nature of the training detailed in the preceding pages include the following:

1. Individualized Education Programs (IEP). This need is addressed through training related to the development and implementation of the student's individualized education program (IEP).

2. Least Restrictive Environment (LRE): This need is addressed through training related to the development of a continuum of special education programs and services. The continuum assures the availability of programs and services to meet individual student's need. A good example is the provision of vocational education through four alternative delivery systems based specifically on the individual student's need.

3. Procedural Safeguards: This need is addressed through training that relates to the provision and implementation of appropriate procedural safeguards. Examples are: Use of on-site monitoring data as part of a statewide and LEA/ISD needs assessment and/or the roles and functions in the hearing and the complaint processes.

SEA's analysis of the statewide need assessment results affect the prioritization of training content, target populations, etc. on a statewide basis. LEAs/ISDs may also support their specified training needs relating to their LEA/ISD needs assessments. These latter training needs may vary from district to district, considering population differences and geographic uniqueness. The competencies are listed in Attachment A.

Training activities are collaboratively developed and implemented at the local, regional, and state levels. Each ISD designates a person to coordinate training activities, Coordinators of Training (COTs). The COT is responsible for identifying training needs, coordinating training activities at the LEA/ISD level, and acting as a liaison between SES's Training, Curriculum and Monitoring Program.

B. COLLEGE AND UNIVERSITY INVOLVEMENT

SEA provides colleges and universities information related to needed areas and target populations of preservice training. An IHE subcommittee of SEPDAC is responsible for assisting SEPDAC in the prioritizion of training needs resulting from a statewide needs assessment and as these relate to the provision of teacher education.

Rule 340.1782(e) of the Administrative Rules for Special Education addresses additional requirements in the special education training sequence. Colleges and universities are required to include a training component on state and federal regulations for the handicapped.

## III. CSPD OPERATIONAL STANDARDS

A. School districts may allocate a portion of their flowthrough funds for personnel development activities to meet needs identified through local needs assessments. School district plans for these activities are incorporated in the ISD plans and are reviewed for funding purposes by the SEA Title VI-B staff.

B. To complement school district personnel development plans, SEA has allocated $350,000 from state-initiated funds for inservice/preservice activities in content areas identified by the statewide needs assessment. These dollars are divided into two delivery system models.

1. Support for statewide personnel development activities based on the results of the needs assessment - $250,000.

2. Support for statewide personnel development activities in specialized areas - $100,000

Specialized areas for 1984-85 are:

(a) Committee activities related to the provision of CSPD Programs
(b) Arts for the Handicapped
(c) Curriculum Development and Innovative Projects
(d) Teacher Competencies
(e) Training related to Parental Needs
(f) Roles and Functions in the Hearing and Complaint Processes
(g) Procedures for Suspension and Expulsion
(h) Effectiveness Mediation Practices

C. TRAINING INCENTIVES. The need to constantly update professional skills for those personnel already in the service and new personnel as they become teachers, provides a basis for the provision of free appropriate education in the least restrictive environment. Each education agency provides incentives necessary for the implementation of training activities.

1. Training Incentives may include, but may not be limited to:

   (a) Released Time
   (b) Stipends for Participation
   (c) Options for Academic Credit
   (d) Other Ideas

2. The final determination of incentives remains at the LEA/ISD level.

D. DISSEMINATION AND ADOPTION

The Michigan Department of Education has established a centralized linkage system which retrieves and disseminates educational information to school districts, parent organizations, institutions of higher learning, and a variety of educational organizations. Information on activities across all related service areas of the department are coordinated through the State Library. Within a short period, a teacher or administrator can access, by computer, information on resource persons knowledgeable about any specific subject, method, or teaching technique identified by their local needs assessments.

The Special Education Services is a distinct component of this system and as such, collaborates with other service areas in disseminating and receiving information on innovative and promising educational practices. Procedures for the development, adoption, and dissemination of information concerning proven educational practices and materials are included in cooperative practices between the Title VI-B and the Title IV-C Units with the State Department of Education.

A variety of promising educational projects, many of which have been previously validated by the department and a few nationally, have been generated within Michigan. These projects generally provide instructional content and teaching strategies for teachers (general and special education) to use when developing and implementing students' individualized instruction. SEA may assist school districts to incorporate these projects by providing for demonstrations of the use of materials, programs, and how they relate to LEA/ISD/SEA needs. School districts and IHEs are informed of training activities by SEA mailings to local and ISD Superintendents, LEA/ISD Directors of Special Education, CRC's, and University liaison persons, and through MDE publications. SEA has also established a state initiated project entitled the "Statewide Communication and Dissemination System". This project provides a communication and interpretation link between local and intermediate school districts, the state department, and other pertinent groups.

Another state initiated dissemination project is the provision of appropriate media materials and equipment, consultation, and information services for the blind, visually and/or physical impaired. The Center for Adaptive Aids and Equipment (PAM) likewise provides linkage and demonstrations.

E. EVALUATION

The evaluation of CSPD activities is a joint responsibility of Special Education Services (SES) and the Office of Research and Information Services of the Michigan Department of Education.

This office provides technical assistance in the development and implementation of needs assessment instruments, analysis of the data, utilization of the data, and any other areas that may be defined at a later date.

Conceptually, the components of the CSPD evaluation system includes:

1. IMPLEMENTATION EVALUATION. The primary goal of CSPD is to provide training for individuals providing programs and services to handicapped students - both general education and special education. This training is a result of LEA/ISD/SEA needs assessments. This training is one of the components leading toward the full implementation of P.L. 94-142, the Education for All Handicapped Children Act; P.A. 451, as amended, the Michigan Mandatory Law; and Section 504 of the Rehabilitation Act of 1973.

2. PROCESS EVALUATION. The record of personnel development activities is a common instrument used to collect data from training activities conducted in the five regions and LEAs/ISDs/SEA. This form also provides a means of documentation necessary for a district to be able to show compliance with P.L. 94-142 CSPD sections.

3. CONTENT AND OUTCOME EVALUATION. A composite of results from an on-site written evaluation conducted at each training site will include a measurement of:

    1. The content and nature of the training;
    2. The methods and strategies used to provide the training; and
    3. The success of the providers of these inservices. Each group providing inservices also needs common demographic information to specify the population needing inservice, funding sources, providers of inservices, and related evaluation procedures.

F. OTHER CSPD FUNCTIONS. Other components of the CSPD Plan include:

1. MONITORING. The SEA monitoring standards, discussed in Chapter XV, outline the processes by which special education is monitored. The CSPD plan and implementation, as a component of P.L. 94-142, constitute SEA on-site monitoring. In addition, the Title VI-B staff conduct a review of applications and on-site visits for accountability purposes.

2. TECHNICAL ASSISTANCE (TA). TA is provided thro.gh the following activities: SEA consultant services to educational agencies, parents, etc. upon request; data collection and analysis; publication and dissemination of documents; the planning and implementation of conferences workshops and meetings to meet training needs. TA is also provided directly to school districts to assist in their planning, management, organization and evaluation of their CSPD plan.

## CHAPTER X. PARTICIPATION OF STUDENTS PLACED BY THEIR PARENTS IN PRIVATE SCHOOL

This chapter delineates processes and parameters that deal with the provision of programs and services to children who are placed in private schools by their parents. The State Board of Education has established policies and procedures to assure that children enrolled in private and non-public schools participate in special education programs and services assisted or carried out under Part B, Public Law 94-142, to the extent consistent with their number and location in the state. The State Constitution specifies the following:

> The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.
>
> No public monies or property shall be appropriated or paid, or any public credit utilized by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational, or other non-public, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deduction, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such non-public school or at any location or institution where instruction is offered in whole or in part to such non-public school students. The legislature may provide for the transportation of students to and from any school. (Article 8, Section 2)

While the Constitution of 1963 prohibits direct support of non-public schools, it does not prohibit the public schools from providing auxiliary services to handicapped students attending private or non-public schools. The School Code of 1976 makes the following provisions:

> The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at non-public schools. The board may use state school aid to pay for these auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for handicapped pupils and other ancillary services for the handicapped; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the State Board. (Section 1296)

Ancillary and related services for handicapped students is defined in R 340.1701 of the Administrative Rules as those services specially designed to meet the unique needs of a handicapped person, ages birth through 25, including, but not limited to, all of the following:

(i) Audiological, medical, psychiatric, psychological, speech and language, or educational evaluation.
(ii) Occupational, physical, recreational, music, work, or other therapy.
(iii) Mobility and orientation services, and special education services provided by other nonteaching personnel.
(iv) Transportation.
(v) School psychological and social work services.
(vi) Instruction provided to handicapped students who are homebound hospitalized, or placed in juvenile detention facilities.
(vii) Services to preprimary age children, which include, where appropriate, evaluation, therapy, consultation with parents, and training activities.

The Michigan Auxiliary Services Act and related rules require that all school districts provide students enrolled in private or non-public schools with a genuine opportunity for equitable participation in special education services in accordance with requirements established by the School Code of 1976 and P.L. 94-142. R 340.292 of Michigan's Administrative Rules requires school districts to notify in writing, no later than April 1 of each school year, all non-public or private schools within each district as to the available subgrants for programs and services.

P.L. 94-142 regulations require that an applicant for a subgrant shall consult with appppropriate representatives of students enrolled in private or non-public schools during all phases of the development and design of the project covered by the application. Services covered in the application shall be consistent with the number of eligible handicapped students and their corresponding needs. Participating districts are required to consult with representatives from the private or non-public schools on all phases of the development and design of projects for programs and services that will be available for handicapped students. These include how the children's needs will be identified, what benefits will be provided, how these benefits will be provided, and how these services shall be evaluated to assure that they are meeting the needs of the handicapped students.

Participating districts are likewise required by federal law to assure that the extent of consultation with nonpublic or private school representatives is consistent with the number of eligible private school students and their needs. Prior to decisions on program changes or revisions, or on items that may affect the opportunities of eligible students to participate in the project(s), school districts provide private or nonpublic schools the genuine opportunity to express their views regarding proposed changes or revisions. Non-public or private schools may refer students suspected of being handicapped at any time. These referrals are treated as any other referral and are processed in accordance with timelines established for public school referrals. A subgrantee or school district determines the following matters on a basis comparable to that used by them in providing for the participation of public school students: the number of students who will participate in the project and the benefits that the subgrantee or school district will provide under the project or program to those students. Procedures to determine needs and number of students, and anticipated benefits for these students enrolled in private or non-public schools shall be the same as those used for public school students. The same needs assessment and child count forms which delineate diagnostic definitions

for eligible students are used (Form SE-4568). Private and non-public school students are counted in the public school count of children receiving special education as listed on the intermediate school district central register of handicapped students and, for the purpose of reporting, they are likewise treated as public school students.

Since public school personnel provide needed services to private or non-public handicapped students, the quality and scope of these services and the opportunity for participation are comparable to those provided for public school students of the same needs, attendance area, group, age, or grade level. To assure that all handicapped students are provided with appropriate services, school districts are required to provide different program benefits to handicapped students in non-public or private schools if their needs are not consistent with those of students in the public schools.

Participating districts are likewise required to spend the same average amount of program funds for handicapped students in both public and private or non-public schools, so as to guarantee the equitable provision of benefits to all eligible students. School districts may spend a different average amount on program benefits for students enrolled in private schools if the average cost of meeting the needs of these students is different from the cost of meeting the needs of students enrolled in public schools.

Participating districts applying for sub-grants to use flowthrough funds for programs and services are required to submit assurances and related information on the following: Description of process of meeting requirements for participation of students enrolled in private or non-public schools, number of students identified to participate in the project, basis of selection of participants, and other requirements detailed in school district plans. Assurances in the application form likewise specify that the conduct of the project or program/service shall be consistent with policies defined in the this State Plan and the ISD plans reviewed and approved by the State Board of Education.

Programs and projects carried out in public facilities involving joint participation by handicapped children enrolled in nonpublic schools do not include classes that are separate on the basis of school enrollment or children's religious affiliation. Services provided to eligible students in private or non-public schools are designed to supplement existing levels of instruction and cannot, under law, be used to cover all instruction in these same schools nor to otherwise benefit the private school. Program funds for P.L. 94-142 shall be used to meet specific needs of handicapped students enrolled in these schools rather than the needs of the private or non-public school itself, or the general needs of all the students enrolled in these schools.

School districts may use program funds to make public school personnel available in other than public facilities to the extent necessary to provide equitable program benefits designed for handicapped students enrolled in a private school, if those benefits are not normally provided by the private school but determined as necessary for the student's appropriate education. School districts may likewise use program funds to pay for the services of an employee of a private school if the employee performs the services outside of regular hours of duty and performs these services under the public school's supervision and control.

SEA and the public agency within which the private school or facility is located shall continue to assume the responsibility of assuring that: the IEP shall be implemented as developed; all relating requirements shall be complied with as specified; and services shall be monitored.

SEA shall likewise continue to require school districts to report data on the number of handicapped individuals in non-public schools. SEA shall also require school districts providing educational and related services to children enrolled in non-public schools to maintain administrative control and direction over those services.

Since all programs and services are operated by the public schools, there is no possibility that funds or property and supplies acquired and provided under P.L. 94-142 will benefit private schools. Such property or equipment shall be in the name of the public agency. This same agency shall maintain the equipment, monitor and document their use, and assure their availability within the premises. Equipment and supplies may be kept in the private or non-public school for the period of time needed by the project and these shall be removed when no longer needed. Removal from the private school premises should be effected to prevent their utilization for purposes other than those of the project and that removal shall not necessitate the remodeling of the private or non-public school facilities. The SEA also requires that project funds shall not be used for the construction of private school facilities.

## CHAPTER XI. PUBLIC SCHOOL PLACEMENT OF HANDICAPPED STUDENTS IN PRIVATE SCHOOLS

Michigan law makes public schools responsible for the education of handicapped children. The law allows local districts to contract with other local public school districts, intermediate school districts, Departments of Mental Health and Social Services, as well as the Michigan School for the Blind and the Michigan School for the Deaf for the provision of special education classroom programs. The law, however, does not allow public school districts to contract with nonpublic schools for the provision of classroom instruction for handicapped students.

The following information contains the provisions under which public school districts may be held liable for payment of tuition for handicapped children in nonpublic schools when the public school district had refused to provide for placement of a handicapped child as described in the students IEP. These criteria only apply where the public school has refused to place the handicapped child into appropriate special education classroom, as described in the IEP. They do not apply to conditions where the parents do not wish to enroll their child in a public school or where the parents are dissatisfied with the quality of education in the public school program.

1. When a handicapped child is offered a free appropriate public education in a public education agency that is readily accessible to the child's home community and the parents opt for a private school placement, the parents shall assume full financial responsibility for the child's education.

2. If the parents contend that they have been forced to seek private schooling for their handicapped child at their own expense because the public agency has refused or failed to implement the programs as specified in the last uncontested IEP or final hearing decision, complaint procedures will be employed to determine the validity of the allegation. If it is found that a violation exists, the SEA will assure that the public agency provides said programs and services.

3. Private schools are provided with information regarding special education services available under the Michigan Auxiliary Services Act.

Private schools shall likewise be provided with the opportunity to participate in the development and revision of standards that relate to special education. SEA shall provide private schools copies of State standards and corresponding revisions, if any.

Michigan law requires that the public school system make special education programs and services available to all handicapped children. If the parents choose to place the child in a private school or facility, the public agency is not required by law to pay for the child's education at the private school or facility. Chapter X of this Plan describes the procedure to be used by the public agency in making services available to handicapped children attending private schools as required under Sections 100b.650 through 100b.662 of the Educational Division General Administrative Regulations (EDGAR).

## CHAPTER XII. RECOVERY OF FUNDS

The SEA has established procedures to assure that it shall recover any funds made available for services to any child who is determined to have been erroneously classified as handicapped.

Whenever it is alleged that Part B funds have been used for services to a child who is determined to be erroneously classified as handicapped, the SEA shall use this procedure to recover funds:

1. Conduct a project and a financial audit of the program or program components within the school district in question.

   If it is determined that an audit exception has occurred, the following steps shall be taken:

   (a) Request the school district or agency to revise the December 1 count submitted to SEA. This will result in the revision of the report on child count submitted by the SEA to the Office of Special Education in February and the consequent reduction of the total state entitlement for P.L. 94-142 funds. Since child count for purposes of P.L. 94-142 is conducted a year prior to provision of services, SEA shall recalculate the entitlement for the school district based on the previous year's count, to assure that school district is not given more than the entitlement that corresponds to documented child count.

   (b) Request school district to return funds directly to the department. These funds should correspond to the number of children deemed to have been misclassified within the fiscal year in which the exception occurred.

This procedure is consistent with the requirements of Section 611(a) and (b) of P.L. 94-142.

The SEA also maintains the right to either withhold or recover funds that have not been spent in accordance with approved applications or state and federal regulations.

## CHAPTER XIII. HEARING ON LEA APPLICATION

The SEA assures that final action with respect to any application submitted by a local education agency or an intermediate school district shall not be taken without first providing the local education agency or intermediate school district involved with reasonable notice and opportunity for a hearing.

Specific reasons for the rejection of an intermediate district's project application, as well as the conditions which must be met in order for the project to be approved shall be given, in writing, to that district. Whenever a project application is not approved by the state education agency, written appeal for reconsideration may be requested by the district. This request must be made within 60 days of the original denial.

If the intermediate district can prove that all of the conditions for approval have been met, the application shall be approved and corresponding funds released.

If any portion of the intermediate or local school district application requires a deviation from the provisions of the administrative rules for special education, the following procedures have been established by law to insure reasonable notice and an opportunity for a hearing.

R 340.1734. Deviations from rules.

Rule 34. Deviations from these rules may be requested in writing by an intermediate or local district operating or contracting special education programs and services for the state board of education. A copy of the request shall be filed concurrently with the superinterdent of the intermediate school district or districts in which the affected handicapped persons reside. Within 7 days of receipt of the request, the intermediate school district shall file with the state board of education its objections to, approval of, or position regarding the same. The state board of education shall act not later than 30 days of receipt of the request. It may grant the request in writing for a period not to extend beyond the end of the school year or the end of the fiscal year, whichever comes first, and upon such terms and conditions as it shall specify only when in its judgment, the best interests of those handicapped persons affected by such deviation are served and good cause is shown. If deviation from a rule in part 3 is necessitated to provide a temporary placement for a handicapped person under subrule (e) of rule 22, the state board of education may shorten the time limits in this rule upon the request of the agency requesting the deviation. A deviation shall not be granted to exclude or deny a handicapped person the special education program or service which he requires.

## CHAPTER XIV. ANNUAL EVALUATION

The evaluation of the special education delivery system within the state is conducted at three different levels. Both process and product evaluation shall occur at each of these levels:

1. This SEA evaluates the special education delivery system of the ISDs. This process is described in detail in Chapters VII and VIII of this Plan and R 340.1831 through R 340.1852 of the Administrative Rules in Appendix A.

   The SEA evaluates the components of the special education delivery system which relate to federal projects. Evaluation teams will be utilized during the 1984-85 school year to conduct ongoing and annual visitations to all federally-funded projects. Written reports regarding project operations and activities with consistent follow-up, are developed to apprise SEA and school districts of project status. The funds for this evaluation are derived from the SEA allocation of P.L. 94-142 monies. Federal projects relating to P.L. 94-142 and Title I of P.L. 89-313 also constitute specific components of the State monitoring standards. As such, monitoring teams see to it that these projects are operating in conformance with these laws.

2. The SEA has a department-wide validation and evaluation compendium which includes the assessment of processes and projects of school districts' special education and general education programs. This includes student assessments, project evaluation through the validation process, and evaluation by SEA special education staff, which is conducted annually in collaboration with the Michigan Department of Education's Research, Evaluation and Assessment Service Staff.

3. The ISDs must include within their plans a process for the evaluation and monitoring of the special education delivery systems of each of their constituent local districts.

   The State Board of Education has established a set of minimum criteria to be used in the development and approval of the ISD evaluation system. This includes evaluation of the program components as required by Article 3 of the School Code as well as those required by the Rules for P.L. 94-142. Funds for this evaluation will be derived from the districts' P.L. 94-142 flowthrough money. Corresponding school district application for funds includes an evaluation component.

## CHAPTER XV. ADDITIONAL REQUIREMENTS

### Responsibility of the State Board of Education for all Educational Programs

The Constitution of the State of Michigan identifies the State Board of Education as the responsible agent for all education programs. Section 3 of Article 8 of the Constitution states:

> Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

The agencies authorized by legislation to operate special education programs must comply with all laws, as well as the rules established by the State Board of Education. The first part of this chapter describes how SEA will meet its constitutional responsibility to provide leadership when special education programs are operated by agencies other than the public schools. The rest of the chapter describes monitoring procedures to assure that all agencies are in compliance with P.L. 94-142 and that funds are distributed in accordance with the requirements of the law.

### Michigan School for the Blind and Michigan School for the Deaf

The Michigan School for the Blind in Lansing and the Michigan School for the Deaf in Flint are established by law as components of the state public school system. The two state schools are under the direct administrative supervision of the State Board of Education. They comprise the Residential Education Services of SEA and are considered components of the state's continuum of programs and services for special education. Each school has a superintendent who is responsible to the state director for Residential Education Services.

The state schools comply with all rules and laws regarding identification, diagnosis, determination of eligibility, placement, service, and follow-up of handicapped students. They are treated like ISDs by the SEA and investigation of complaints alleging violations of rules or statutes are conducted along the same procedures used for similar complaints in Intermediate School Districts. Alleged violations of state board policy governing the operation of the schools are investigated by appropriate Department of Education personnel.

### Department of Mental Health (DMH)

Department of Mental Health is responsible for operating special education programs in state facilities for the emotionally impaired. The responsibility includes the availability of free appropriate public education, the employment of properly certified personnel, and the provision of adequate and appropriate facilities and necessary instructional supplies and materials in order to implement appropriate special education programs and services. The Department of Mental Health facilities for the emotionally impaired are required to

provide all special education programs and services needed by each handicapped student as prescribed for local education agencies in section 380.1751 - 380.1761 of the School Code. The Department of Mental Health follows the procedures for developing IEPs as indicated in the Administrative Rules. The hospital director (or designee) shall have the same responsibilities as a school superintendent in implementing these procedures. The State Board of Education and the Department of Mental Health consider these facilities as local education agencies. Appendix D contains the criteria for student eligibility in state institutions.

Individuals admitted to a Department of Mental Health facility for the emotionally impaired are determined eligible under requirements of R 340.1706, unless they have graduated from high school, have completed an approved course of study, or are 26 years of age or older. Unless otherwise indicated by the IEPC, each student is provided a minimum of 900 clock hours of instruction annually, from teachers endorsed in the area of emotionally impaired and/or in other SES approved categories. The ISD in which the Department of Mental Health facility is located has the same responsibilities toward the facility as it does with each local education agency in the district, including monitoring for compliance. In implementing their responsibilities, the ISD includes the Department of Mental Health facility in its ISD annual plan for special education programs and services as prescribed by the Michigan Department of Education. The Department of Mental Health hires staff authorized in Chapter III and have the responsibility of monitoring and providing program oversight.

Department of Social Services (DSS)

Act 150 of the Public Act of 1974 authorizes the Department of Social Services to directly operate programs. The Department of Social Services provides special education programs and services to handicapped youth who are admitted to the State operated institutional programs. These programs are operated by the Department and serve only state wards who are committed to the Department by the county juvenile court system. The Department of Social Services is responsible to assure that programs are operated in accordance with state and federal statutes governing the delivery of special education. Appendix C details responsibilities of the Department of Social Services towards delinquent handicapped students. The Department of Social Services also submits a plan similar to ISD plans described in Chapter VIII.

Under this agreement, the Department of Social Services is treated as an intermediate school district. The Department of Social Services develops a special education plan describing means by which the agency identifies and diagnoses students suspected of being handicapped, maintains records, operates and evaluates programs, investigates complaints, and otherwise provides special education programs and services as required by state and federal statutes. The plan is written in the same manner and format as prescribed in R 340.1832 of the Administrative Rules.

The Department of Social Services hires central office staff to be responsible for implementation of the plan. The DSS likewise investigates complaints alleging violations and reports its findings as prescribed for intermediate districts in R 340.1851 and R 340.1854 of the Administrative Rules.

Department of Corrections (DOC)

The SEA has initiated cooperative activities with the Department of Corrections to assure that incarcerated persons under the age of 22, who have not graduated from high school, have access to free and appropriate public education, including special education and related services. Department of Corrections facilities have conducted intensive initial evaluations to determine the eligibility of incarcerated youth for special education and related services. Appendix E includes communication between SEA and the DOC regarding cooperative services.

Monitoring and Evaluation Procedures

Programs and services provided by all public agencies (school districts, institutions, etc.) are reviewed and monitored to assure compliance with P.L. 94-142 and P.A. 451.

The SEA conducts these monitoring activities to assure compliance. Educational programs and related services provided within the compounds of facilities operated by both the Departments of Mental Health and Social Services are monitored at times scheduled for school districts within whose boundaries these facilities are located. Specifically, the SEA does the following:

1. Collects data on the number and types of programs actually operated, number of children served, cost of programs, number of unserved students, and other data needed to monitor and evaluate the special education delivery system.

   Data are analyzed by staff and a computer is used to determine if programs have the following: approved personnel, appropriate student-teacher costs limited to approved special education programs and services, and assurance that all identified handicapped persons are placed in special education programs. These activities are carried out yearly for each public agency operating special education programs and/or services.

2. Conducts monitoring of special education delivery systems for compliance with state and federal law as described in the Michigan Monitoring Manual, Appendix F. Each ISD, including all constituencies, is reviewed on-site once every three years by a specifically selected and trained monitoring team. This deals with Michigan compliance with P.L. 94-142, P.A. 451 of 1976, and P.L. 93-380 and specifically addresses the following concerns: full educational opportunity, free and appropriate public education, priorities of the law, IEPs, direct services by the agency, a comprehensive system of personnel development, participation of private school children and their protection in evaluation procedures, due process procedures, least restrictive environment, confidentiality of information and child identification. Each monitored ISD receive a copy of the Final Report. Final Reports are available for public review and review by the State Special Education Advisory Committee.

3. Reviews annually all applications for funds under P.L. 94-142.

4. Conducts monitoring on-site visits at least every three years for each ISD, to assure that federal funds are utilized on programs or services for handicapped students eligible under P.L. 94-142 regulations. Procedures identified in Chapter XII of this plan are used in the recovery of funds for misclassified children.

5. Select a random student sample for comparison of individualized education programs with programs actually provided and determine if the ISD monitoring/evaluation procedure as described in the Michigan Monitoring Manual has been implemented.

The State Board of Education has established the following rules which allow citizens to file complaints.

Part 8 of the Administrative Rules (R 340.1851 through R 340.1853, Appendix A) establishes the responsibility of the SEA and school districts in processing complaints and conducting investigation of allegations. The section likewise details relating procedures. Appendix I is the revised handbook on compliance and complaint procedures recently adopted by the Department of Education.

The State Board of Education has established within the SES organization, provisions to assure that activities relating to compliance and monitoring are conducted. Compliance staff are responsible to review, investigate and act on any allegations of substance which indicate a violation of state law, rules, State Plan, ISD plan or the provisions of Public Law 94-142, as these relate to the education of handicapped persons.

When a district is found to be in noncompliance with any provision of P.L. 94-142, federal funds may be withheld by using the procedures for withholding funds described in Chapters XII and XIII of this plan.

Policies and Procedures for Use of P.L. 94-142 Funds

The Michigan Department of Education has developed specific policies and procedures for the expenditure of EHA-B funds for attaining the goal of full educational opportunity, including calling for applications for programs and projects which are designed to meet the special educational and related needs of handicapped children based on the following:

1. To provide free appropriate public education to handicapped children who are not receiving services, including their identification, location, and evaluation.
2. To provide free appropriate public education to handicapped children within each disability with the most severe handicaps who are receiving an inadequate education, including their identification, location, and evaluation.
3. To meet other requirements of the law.

Part B funds will be allocated in accordance with Section 611 and Section 612 of the Act. Chapter III includes the spending plan and Chapter XVI presents a description of the use of Part B funds in more detail.

As indicated in Chart 1 of Chapter I, the State of Michigan is now providing full service to all identified eligible students as required in Section 612 of P.L. 94-142.

The SEA coordinates the activities, programs, and services generated from all other sources of federal appropriation for handicapped individuals. These include Chapter I, ECIA, Title VI-C, and Vocational Education. To ensure maximum utilization of funds for supplemental purposes, the SEA also reviews each ISD plan to assure that EHA-B funding priorities are specified. The interfacing of these activities are cooperatively planned with the Michigan Department of Education's Professional Development Center. The State Education Agency assures that the funds allocated for FY 1985 under the following authorizations will be expended in a manner consistent with the goal of providing free and appropriate public education for all handicapped children.

| Source | Amount of Funds for FY 1984 | Administration | Purpose |
|---|---|---|---|
| Chapter I, ECIA | $6,449,004 | Special Education | Supplement programs for Trainable and Severely Mentally/Multiply Impaired (including MSB, MSD, EI programs in psychiatric hospitals) |
| Title VI-Sub C (MDBS) | 233,038 | Special Education | Develop and expand deaf/ blind programs |
| Vocational Education (10% of Total) | 2,229,650 | Vocational Education | Support special programs to assure successful vocational preparation |
| TOTAL: | $8,911,692 | | |

Administrative control over property acquired with these funds remain with the public agency. All equipment purchased with P.L. 94-142 funds are labeled and relating inventories are kept. Procedures on management and disposal are in accordance with provisions of the Education Division General Administrative Regulations. The incidental use of such property for other purposes is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the conduct of a program or project.

Equipment acquired with funds under this Act may be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising administrative control, the public agency shall not only keep records of, but also account for, the equipment. The agency must be assured that the equipment is being used for the purposes of the program, and that the equipment shall be removed from the private school premises when necessary to avoid its being used for purposes other than serving the handicapped. All equipment purchased with these funds are clearly labeled and relating inventory on all items costing $300 or more are maintained. Upon completion of any project, any inventoried items no longer needed for the education of the handicapped must be disposed of in accordance with criteria for disposal of equipment detailed in the Education Division General Administrative Regulations.

The state educational agency obtains from each sponsoring educational agency administering a program under P.L. 94-142, a satisfactory assurance that the funds provided under this Act will at all times be controlled by a public agency in accordance with the provisions and the regulations of P.L. 94-142.

Part B, state membership and state categorical aid funds, are used simultaneously to finance portions of a project including excess costs under both flow-through and state authorization. As indicated in Section 300.230 of 94-142 regulations:

> The total amount or average per capita amount of state and local school funds budgeted by the local educational agency for expenditures in the current fiscal year for the education of handicapped children must be at least equal to the total amount or average per capita amount of state and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:
>
> (i) Decreases in enrollment of handicapped children; and
> (ii) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities;

Funds made available under Part B of the Act are not to be commingled with state and local funds nor to supplant state and local funds in order to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children.

Agencies operating Part B or other federally funded projects maintain separate audit trails for state, local and federal sources of funding. Appropriate records on the use of Part B funds are maintained by the SEA and agencies operating Part B projects. All information regarding Part B funds is a matter of public record and is readily accessible for public inspection.

Appendix J contains a copy of the applications which public agencies are required to complete when applying for funds under P.L. 94-142 and P.L. 89-313. Portions of the applications contain specific statements of assurance, required of local and intermediate districts to assure that they are in compliance with Federal Civil Rights legislation, Section 504 of the Rehabilitation Act, and regulations established under P.L. 94-142. The Personnel Office of the SEA has also established policies which assure that handicapped persons are not discriminated against and that positive efforts are being made to employ and advance qualified handicapped personel.

## The State Special Education Advisory Committee

A Special Education Advisory Committee has been established to advise the State Board of Education on program directions, particularly as these relate to the special education delivery system. The State Board of Education organizational statute (1964 P.A. 287) was amended by 1966 P.A. 154 to include provisions for the establishment of a State Special Education Advisory Committee.

Sec. 9a. The special education advisory committee is created in the department of education and consists of 9 members, who shall be appointed by the state board of education for terms of 3 years, except that the 3 members first appointed shall each be appointed for terms of 1, 2 and 3 years. The person within the department directly responsible for special education programs shall be an ex officio member of the committee.

Each year the committee shall elect its chairman and such other officers as it deems necessary. Members of the committee shall be reimbursed for expenses incurred in performing their functions. The committee shall act as an adviser to the board of education in the field of special education.

On March 7, 1979, the State Board of Education adopted the following six new points concerning the purpose and role of the State Special Education Advisory Committee:

1. The role of the committee is to be advisory to the State Board of Education in the field of special education only.

2. The field of special education includes all matters pertaining to educational programs and services designed to serve handicapped students.

3. Some of the matters pertaining to such educational programs and services include (a) administrative organizations, local and state; (b) needs for new programs and the expansion of established programs; (c) methods and sources of financing; (d) rules and regulations pertaining to the approval of programs for state financial assistance; and (e) needed new legislative enactments.

4. The Committee should not necessarily constitute the sole source of direct advice to the State Board of Education in the field of special education, and the State Board of Education should not necessarily act only in terms of such advice.

5. The Committee might submit advice to the State Board of Education upon specific requests of the Board or it might elect to submit advice in the absence of such specific requests.

6. Other sources of direct advice to the State Board of Education concerning the field of special education might include such persons and groups as the superintendent of public instruction and his staff, school administrators, education directors and teachers, parents and parent associations, school board members, legislators, and other advisory committees which the Board may wish to appoint from time to time.

The committee has been designated as the same body to assume the role of the advisory panel as required by 300.650 to 300.653 of P.L. 94-142 regulations.

Primarily, the State Special Education Advisory Committee provides advice to the State Board of Education through the Director of Special Education, who participates in all meetings as an ex officio member of the panel.

The Committee also identifies new priorities for programs and services emphasis, innovative processes dealing with effective delivery systems, and problems or issues they become aware of through their interaction with advocates, parents, providers of service, and other groups interested in the education of the handicapped. An estimated amount of $7,000 has been established from administrative funds to defray expenses of Committee members for meetings (reimbursement for mileage, board, lodging). Eleven meetings have been scheduled for the 1985 fiscal year. The number of meetings may vary in accordance with perceived needs and fiscal constraints.

Appendix H includes the relating State Board of Education resolution that has designated the committee to act as the advisory body required by Public Law 94-142.

## CHAPTER XVI. DESCRIPTION OF USE OF PART B FUNDS

The Special Education Services works within three operational units under the direction of the State Director for Special Education.

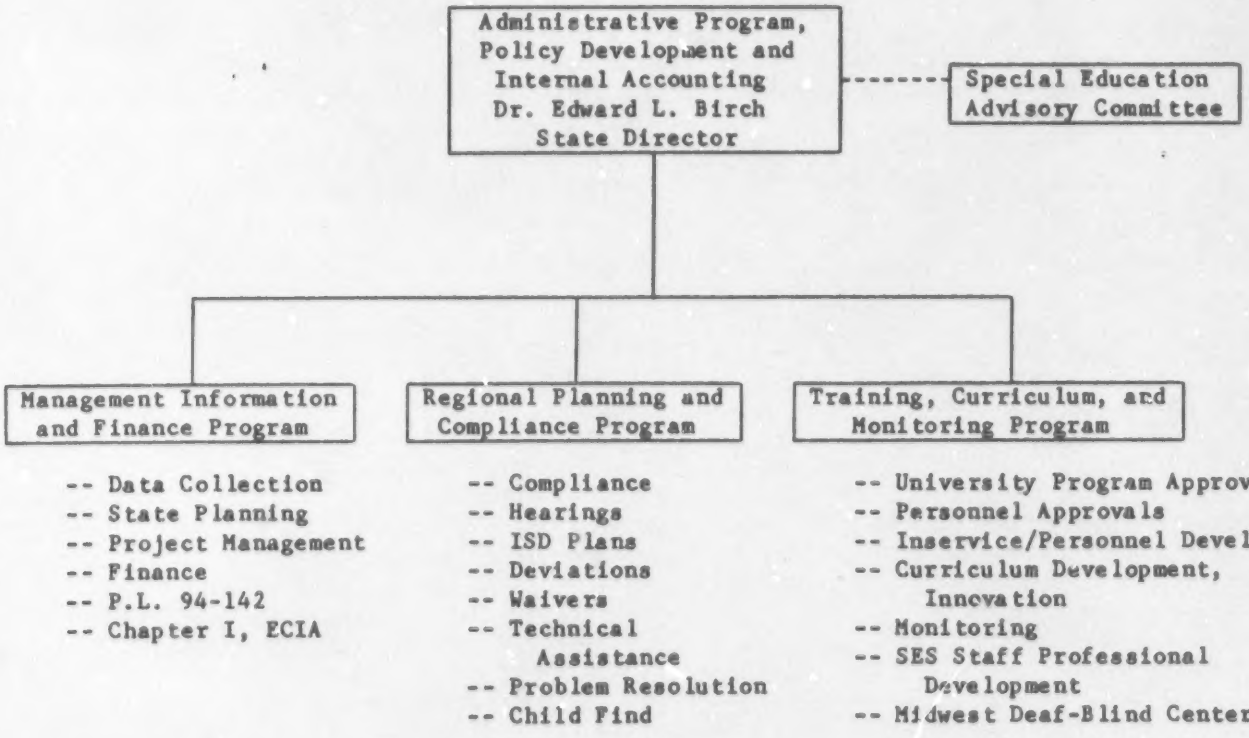
### State Allocation

An estimated 5% of anticipated Title VI - Part B funds is expended within this operational context. Funds are utilized to conduct such administrative and management prerogatives as the following: administration of this annual program plan, including planning or assisting in the planning of relative programs or projects; approval, supervision, monitoring and evaluation of the effectiveness of local programs and projects; technical assistance to local and intermediate school districts; and other state leadership activities and consultative services.

Chart 7 illustrates the organizational structure of the State Special Education Services. Details of each unit's functional responsibilities, together with those of corresponding staff paid out of Part B administrative monies, follow the illustration.

CHART 7

ORGANIZATION OF STATE SPECIAL EDUCATION SERVICES



Summary of Functional Responsibilities by Program Area

I. Administration Program

The State Director is responsible for the overall direction and supervision of the service area. The section also includes the development of policy and internal spending plans.

II. Management Information and Finance Program

This section coordinates state planning for the delivery of special education programs and services, provides fiscal and technical review and approval of federal program applications, and develops and interprets statistical information for planning and operational purposes.

III. Regional Planning and Compliance Program

This section provides statewide technical assistance to districts on program planning and problem resolution, reviews and recommends approval of ISD plans and processes ISD plan hearing requests, processes state level hearings, rule deviations, and aide waiver requests, and reviews complaints.

IV. Training, Curriculum and Monitoring Program

This section develops program training criteria and recommends university programs for approval, coordinates personnel training and development activities, reviews and approves personnel endorsements in special education and related services, provides/coordinates curriculum efforts and identifies and initiates innovative program practices, and develops monitoring standards and conducts monitoring for university training programs, local, ISD and agency compliance with state and federal rules and regulations.

The following details responsibilities of current and projected staff positions reimbursable from P.L. 94-142, Part B administrative funds:

| Program Area | Responsibilities |
|---|---|
| Administration<br>Secretarial Support<br>1 position | Supports professional staff in the performance of administrative management responsibilities. |
| Management Information and Finance<br>Sp. Ed. Consultant VI-B<br>2 positions | Coordinate data collection and the development of management information procedures consistent with the needs of federal and state programs, including long-range planning documents and statistical reports and relating analyses; and develop Annual State Plan. |

| Program Area | Responsibilities |
|---|---|
| Sp. Ed. Consultant VI-B<br>1 position | Provides fiscal and technical review and approval of P.L. 94-142 applications and technical assistance to regional planners and others as needed. |
| Ed. Specialist VI-B<br>3 positions | Assist in the performance of program's specified tasks. |
| Secretarial Support<br>5.5 positions | Support professional staff in the performance of specified responsibilities. |
| Regional Planning and Compliance | |
| Sp. Ed. Supervisor VIII<br>1 position | Supervises the following: (a) review and approval of ISD plans; (b) review of rule deviation and aide waiver requests; (c) regional planning; (d) statewide technical assistance; (e) state hearing reviews; (f) appointment of local level hearing officers when required; (g) local complaints/investigations; and (h) state level investigations. |
| Sp. Ed. Coordinator VII<br>1 position | Coordinate activities relating to the Compliance Unit. |
| Sp. Ed. Consultant VI-B<br>6 positions | Five consultants are Regional Planners and do the following: (a) review all ISD plans and recommend for State Board approval; (b) process all rule deviation and aide waiver requests; (c) provide technical assistance to districts within respective regions.<br><br>One of the five Regional Planners listed above also works as liaison with the Michigan Departments of Public Health, Mental Health, Social Services, and Corrections.<br><br>One Consultant VI-B is a Compliance Unit consultant and does the following: (a) reviews ISD complaints and investigations and does follow-up due process communications and correspondence; (b) conducts state level investigation reviews; (c) processes state level hearings and procedures relative to local level hearings; (d) processes appointments of local level hearing officers when required. |
| Ed. Specialist VI<br>2 positions | One Education Specialist works with the Regional Planners listed above in collecting information and making recommendations relating to deviation and aide waiver requests within each Regional Planning Unit. |

| Program Area | Responsibilities |
|---|---|
| | One Education Specialist works with the Compliance Coordinator on investigations and complaints at both ISD and State levels. |
| Secretarial Support<br>6 positions | Support professional staff in the performance and completion of their identified responsibilities. |
| **Training, Curriculum and Monitoring** | |
| Sp. Ed. Supervisor VIII<br>1 position | Coordinates the dissemination of innovative techniques/programs that deal with special education and professional development activities of both the service area and school districts, colleges and universities; supervises personnel approvals and program monitoring. |
| Sp. Ed. Coordinator VII<br>1 position | Coordinates activities related to the program area. |
| Sp. Ed. Consultant VI-B<br>1 position | Develops program training criteria and recommends university programs for approval; reviews applications for inservice training and other personnel development activities; identifies staff professional needs, and initiates appropriate training activities. |
| Sp. Ed. Consultant VI-B<br>1 position | Coordinates/provides curriculum efforts and identifies and initiates innovative program practices; reviews and approves personnel endorsements in special education and related services. |
| Sp. Ed. Consultant VI-B<br>2 positions | Develop monitoring standards and conduct monitoring for university training programs, local ISD, and agency compliance. |
| Ed. Specialist VI-B<br>2 positions | Assist in performance of program's specified tasks. |
| Secretarial Support<br>4 positions | Support professional staff in the performance of specified responsibilities. |

One hundred percent (100%) of salaries and benefits for these staff positions shall be paid out of P.L. 94-142, Part B administrative funds. The amount constitutes approximately 33% of the total administrative funds stipulated by SEA for the administration of special education programs and services by the state Special Education Service Area.

School District Allocations

There are currently 57 intermediate school districts and 534 local school district cMnstituencies in the state. Approximately 93% receive funds through P.L. 94-142. Since allocation and corresponding amounts depend upon special education programs and services and the number of handicapped children served, local districts that do not operate special education programs do not receive funds. It should be noted however that handicapped children within these service areas are provided relating programs and services in other public school agencies. All the 57 ISDs submit consolidated applications for P.L. 94-142 funds based upon results of needs assessments conducted within their service areas. An average of 8 local educational agencies constitutes each consolidated application. These applications assure that defined needs correspond with priorities specified in the law and that funds are expended for relating special education programs and services.

Child Identification, Priorities and Inservice Training

Aside from the administrative expenses earlier cited, P.L. 94-142 funds are also allocated for the following: (1) identification, location and evaluation of handicapped children; (2) programs to meet the priorities specified in 300.127 of P.L. 94-142 regulations; and (3) inservice training activities to develop and/or upgrade personnel competencies in regard to the delivery of free, appropriate public education to handicapped children in the state.

SEA staff likewise provide technical assistance and inservice training to project applicants and subgrantees. The Title VI staff has developed a set of procedures to assure the proper conduct and administration of each program to avoid illegal, imprudent, wasteful, or extravagant use of funds. These regional inservice sessions are held during the fiscal year. Five regional consultants likewise provide technical assistance upon request.

Monitoring of agencies, institutions, and organizations responsible for the operation of programs and the enforcement of obligations relative to these programs are carried out by the Title VI staff. This monitoring is also conducted as a component of the State Monitorin Manual. SEA likewise evaluates the effectiveness of each program at least on e in every three years to assure that statutory objectives are met. SEA also cooperates with the Secretary or other federal officials in conducting evaluation of programs.

This Plan fully details specifics on the three expenditure areas earlier cited: Chapter III -- Policy on Priorities; Chapter IV -- Child Identification; and Chapter IX -- Comprehensive System of Personnel Development.

## CHAPTER XVII. CONFIDENTIALITY OF EDUCATION RECORDS

SEA requires that school districts receiving funds generated by Public Law 94-142 establish a process to maintain the confidentiality of education records in compliance with P.L. 94-142, P.L. 93-380 (Family Educational Rights and Privacy Act) and Section 1711 (Act number 451, Public Acts of 1976). The Administrative Rules were modified in 1980 to define education records, administrative responsibility toward the maintenance of their confidentiality, and parent and eligible student rights.

### I. Education Records

The Administrative Rules define education records in R 340.1701(1). This definition is taken from P.L. 94-142 and can be found on Pages 2 and 3 of the Administrative Rules in Appendix A.

Education records are those records maintained by educational agencies on any person who has received or is receiving instruction. These records are limited to those that deal with the provision of education. These also include those records on related services for the handicapped and records required by law for the operation of special education programs.

Education records are usually personally identifiable. P.L. 93-380 defines these personally identifiable records as those records which by name, address, or other particular facts, are traceable to individual students. These records are likewise defined to include student's name, parent or other family member's name, student's address, a personal identifier such as student number or social security number, and a list of personal characteristics or other information that would make the student's identity easily traceable. Education records can be categorized as (a) central registry, (b) directory information, or (c) supplemental records.

### Central Registry Records

In the state of Michigan, central registry records consist of minimum personal data required by law. Administrative rules promulgated under Act 451 of the Public Acts of 1976, as amended, require the following to constitute the minimum information for all handicapped persons, birth through 25 years of age, placed in state or privately-operated facilities. R 340.1861(2) reads as follows:

(2) Each record for the handicapped person shall include, at a minimum, all of the following:
- (a) The name, date of birth, sex, and racial or ethnic group.
- (b) Type of handicap or handicaps.
- (c) Date of referral.
- (d) Services being rendered.
- (e) Date special education programs or services were initiated and terminated.
- (f) The name, address, and telephone number of the parent.
- (g) District of Residence.

Each record may include attendance, classes and grades attended, and grade level completed.

Directory Information

P.L. 93-380 defines directory information to include the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most previous educational agency or institution attended by the student.

Supplemental Records

Supplemental records include verified information considered necessary to help the educational agency provide appropriate educational services to handicapped students. These may include, but not be limited to, the following records:

1. Test results and relating reports.

2. Developmental histories, case studies, personal observations and impressions based upon valuable data.

3. Reports from other cooperating agencies such as community mental health, hospitals and other similar institutions and the Departments of Mental Health, Social Services, etc.

4. Narrative records that reflect factual accounts of observed behavior compiled by such professionals as school counselors, teacher consultants, school social workers, regular and special education teachers, etc.

5. Personal working notes shared in the process of providing appropriate education to handicapped students.

   The persons responsible for generating supplemental working notes are liable for the maintenance of their confidential status, particularly in the performance of their specific roles and functions within the educational agency. Personnel shall exercise discretion in the case of narrative records or other working notes as depositories for personal judgments concerning students. Teachers, administrators, and other school personnel do not enjoy absolute immunity from possible court action; thus, care should be taken to reduce their vulnerability to litigation.

Other records considered personally identifiable may include IEP reports, reevaluation reports, attendance records, classes and grades attended, and grade level(s) completed.

Exclusion From Education Records

P.L. 93-380, the Family Education Rights and Privacy Act (FERPA), excludes the following from its definition of education records:

1. Records prepared by institutional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker(s) thereof and which are not

accessible or revealed to any other person except a substitute. These include records prepared by staff in the course of their work with students.

2. Records and relating documents of the law enforcement unit of an educational agency or institution which are maintained apart from other records and are used solely for law enforcement purposes. These records are not made available to persons other than law enforcement officials of the same jurisdiction.

3. Records on employment where employment is not part of the student education program, except for co-op work-study where work is part of the education program.

4. Records on a student who is 18 years of age or older, or is attending an institution of post-secondary education, which are created or maintained by a physician, psychologist, or psychiatrist or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity.

   These records are created, maintained, or used only in connection with the provision of treatment to the eligible student, eligible students being those who are 18 years of age or over, or are attending post-secondary institutions. These records are not available to anyone other than those providing such treatment. These records may not be available for student or parental review, challenge or control; provided, however, that these are made available for the personal review of a physician or other appropriate professional of the eligible student or parent's choice.

   Treatment does not include remedial education activities or activities which are part of the program of instruction at the educational agencies.

5. Records on alumni or on activities after graduation or after a definite period of time, as specified in the policies of the educational agency that relate to retention of education records.

   If exempt records are utilized by members of the IEPC in determining and/or recommending a change in the educational status of individuals referred or currently enrolled in special education programs, such records shall become part of education records and thereby lose sole possession status. They shall become subject to the review, challenge, or control of students and their parents.

Sources of Education Records

Education records are gathered from persons employed within the school system, parental interviews, family medical records, school psychologist, and other ancillary services personnel.

Materials received from third party agencies such as hospitals, clinics, etc. may be included with a student education records upon receipt by the school agency. If the school agency decides that materials are irrelevant and inappropriate, and not intended for educational use, these may be returned to the issuing third party agency and an explanation regarding the return be appended to the education records of the student.

Part II. Administrative Responsibility for Education Records

Administrative responsibility for the maintenance of the confidentiality of education records is established in the Administrative Rules for Special Education. This section likewise specifies the content of student education records and the procedures for their appropriate maintenance.

A. Annual Notice

P.L. 94-142 and P.L. 93-380 both require educational agencies receiving federal funds for the operation of applicable programs to establish policies on confidentiality of education records. These shall define ways by which relating notices are to be provided to parents and/or eligible students, together with pertinent regulations that protect their corresponding rights to privacy, in connection with the collection of data and procedures relating to use, storage, disclosure, retention, and destruction of personally identifiable records.

The notification of rights shall be done annually. The information shall be provided in the native language of parents who are known to use a primary language other than English.

The statement of rights shall include the following:

1. The right to inspect and review the student's education record;

2. The right to seek to correct the student's education record, in a hearing if necessary;

3. The right to exercise control over other people's access to the student's education record; and

4. The right to be informed about rights guaranteed by law and the right to report violations of law to the United States Department of Education.

In addition to the above, the statement of rights shall include a description of children on whom personally identifiable material is maintained; the types of information sought; the method the educational agency uses to gather information; uses made/to be made of the data; and agency policies or procedures regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information.

Adequate public notice shall be provided by the state and school districts before the conduct of such state or district-wide activities as identification, location, and evaluation of children for special education purposes. The method of notification is left to the discretion of each educational agency.

B. Maintenance

Educational agencies are required to maintain data on students currently enrolled in special education as well as on all children suspected of being handicapped. Each record shall include, as a minimum, central registry or directory information.

Each educational agency shall maintain and make available to parents and/or eligible students upon request, listings of the types and locations of data collected, stored, and used. These shall be as specific as possible and include such information as address and/or room in the agency building(s) and descriptive titles of types of records. Listings may come under such titles as central registry or administrative records; tests results: psychological, intellegence, aptitude, psychomotor, etc.; cumulative and anecdotal records, etc.

Central registry or directory information data shall be kept in a specified area. Supplemental records shall likewise be kept in the same area unless specified in agency policies, that is, where such records as cumulative, anecdotal, or psychological are maintained and kept by professional staff who use then directly and often in working with handicapped children.

If a student's education records include data regarding other students, provisions shall be made to assure that the person entitled to examine one student's records should receive or be informed of only the part of the records that pertain to the particular student. Information regarding other students in the record should be excluded to assure their confidentiality.

C. Procedural Safeguards

As a condition of receipt of P.L. 94-142 funds, each educational agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. Procedural safeguards that relate to these concerns should be established to include the following assurances:

1. That a designated official at each agency assume responsibility for ensuring the confidentiality of all personally identifiable information. Custodianship of education records shall be specified in agency policies.

2. That all persons collecting or using personally identifiable information receive training or instruction regarding the procedures required in collecting or using material(s).

3. That each participating agency maintain, for public inspection, a current listing of the names and position designations of school officials who may have access to personally identifiable information. The list(s) may be disseminated to parent(s) or eligible students at the time the agency provides notice of rights or these may be included in school handbooks, catalogs, or school newspapers and periodic reminders. They may also be provided upon request.

These personnel may be included in the list of those school officials who will have access to student education records for legitimate educational purposes:

(a) A person appointed by the school board, i.e., superintendent;

(b) A person certified by the state and appointed by the school board to an administrative or supervisory position, i.e., special education director, supervisor, etc.;

(c) A person certified by the state and under contract to the school board as a teacher, counselor, etc.;

(d) A person employed by the school board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of his/her performance as a substitute; and

(e) A person employed by or under contract to the school board to perform a special task such as a secretary, a clerk, the school board attorney, or auditor, in connection with the performance of his/her functions as an employee or contractor.

III. Student and Parent Rights

Student and parent rights to the privacy of education records shall be assured by the participating agency, as a condition for the receipt of P.L. 94-142 funds. A policy to preserve these rights must be established.

Notice regarding these rights should define circumstances that pertain to the exercise of these rights. Parents or eligible students may waive these rights but may not be so required.

A. Right to Access of Education Records

Participating agencies and other institutions involved in data collection, storage, and maintenance shall provide access rights to parent(s) and/or eligible student(s). Parents and/or eligible students or their authorized representative should be allowed to inspect or review, upon request, all personally identifiable data collected, maintained, or used by the agency in relation to the education of students. [R 340.1862 of the Administrative Rules]

Inspection and Review

Participating agencies and other participating institutions shall comply with requests for inspection or review within 30 days and prior to any meetings regarding individualized education programs or hearings relating to the identification, evaluation and reevaluation or placement, and in no case more than 45 calendar days after requests have been made. [R 340.1862 of the Administrative Rules]

If agency policy provides for the maintenance of a student's record in several locations, the school principal (or other designated records custodian) may offer to collect copies of records or records themselves from locations other than a student's school, so that they may be reviewed or inspected at one site. However, if parents or eligible students wish to inspect records where

they are maintained, the school principal will make every effort to accommodate their wishes. The school principal (or records custodian) may contact parent(s) or eligible student to discuss how access will be arranged or effected.

Presumption of Authority

Participating agencies shall presume that the parent(s) has the authority to inspect and review records relating to their children unless otherwise advised by a court order that the parent(s) does not have the authority under applicable state law governing such matters as guardianship, separation, divorce, etc. An authorized representative of the parent or eligible student must also be allowed to inspect or review the records.

The State of Michigan Attorney General's opinion number 5027 states that "A board of education may not refuse to disclose the school records of a child to the child's divorced parent on the ground that the divorced parent does not have custody of the child."

Explanation and Interpretation

School districts and other participating agencies are likewise required to provide an explanation or interpretation of data in education records upon request of either parent or eligible student. Medical, psychological, and other such records that are usually written in technical terminology should be explained by corresponding professionals to enhance parents' understanding if necessary.

Copies

If such valid reasons as working hours, distance between location sites, or health prevent parent(s) or eligible student from personally inspecting or reviewing records, arrangements should be made by the agency to provide copies of the records(s).

Participating agencies shall make available, upon request or court order, copies of records if failure to provide these copies would effectively prevent the parent from exercising the right to inspect and review the records. A fee may be charged for copies of records which are made for parents or eligible student at no more than cost. Fees may not be charged to search for or retrieve information.

B. Right to Amend Education Records

Each participating agency or institution is required by law to establish a procedure regarding amendment of education records. All requests for records amendment shall be addressed to the agency's staff person responsible for the maintenance of education records.

Education records shall not be disposed of or destroyed if there is an outstanding request to inspect, review, or amend them.

These procedures may vary because of uniqueness of educational agencies. However, assurances for the following should be incorporated in procedures:

1. That an amendment be requested by parent(s) and/or eligible student if records seem to be inaccurate, misleading, or otherwise in violation of privacy; the parent or student must identify the part of record that needed change and cite reasons to show that record is inaccurate, misleading, or in violation of student rights.

2. That an amendment be granted and effected (or not granted) within a 45-day period. The agency may comply with the request or it may decide not to comply. If it decides not to comply, the parent(s) or eligible student shall be notified of the decision and shall be advised of the right to a hearing pursuant to Section 99.21 of the Administrative Regulations for FERPA to challenge the information which is believed to be inaccurate, misleading, and therefore, in violation of the student's rights. The parent(s) or eligible student shall advise the agency if a hearing to challenge the record is being instigated by them.

3. That in the event of a hearing, the agency advise the parent(s) or eligible student, reasonably in advance, of the date, place, and time of the hearing.

4. That the hearing be conducted by a hearing officer who is a disinterested party. The hearing officer may be an official of the educational agency.

5. That during the hearing process, the parent(s) or eligible student be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend student education records. The parent or eligible student may be assisted by other individuals (including a legal counselor).

6. That the participating agency prepare a written decision based solely on the evidence presented at the hearing. The written decision must include a summary of the evidence presented and the reasons for the decision.

If the decision is to the effect that the challenged information is not inaccurate, not misleading, or not in violation of the student's rights, the agency must notify the parent or eligible student of the right to include in the records a statement regarding the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

If the decision is to the effect that the challenged information is indeed inaccurate, misleading, or in violation of the student's rights, the record shall be amended accordingly and the agency shall notify the parent or eligible student, in writing, that all existing copies of the records kept in various locations within the school agency have been so amended.

Any explanation placed in the records of the student shall be considered as part of the records and maintained as such as long as the record or contested

portion is maintained by the agency. If the student's records or the contested portion is disclosed by the agency to any party, the explanation inherent thereto shall likewise be disclosed.

C. Right to Control Disclosure of Education Records

As a condition of receipt of federal funds, each participating agency or institution shall establish a policy to assure that education records are protected against indiscriminate disclosure. Parents and eligible students should be apprised of specific instances where their consent to the disclosure of certain records is not necessary.

The participating agency may wish to exercise the option to disclose information contained in a student's education records without the prior written consent of the parent(s) or eligible student. In this case, the agency shall so indicate its intent in relating policies and likewise list specific situations and conditions for such disclosure, together with corresponding procedures. These procedures may be disseminated with other procedures on records confidentiality. Legislation provides that the following persons and/or agencies, functioning within corresponding functions, should be accorded qualified access to education records without the prior written consent of the parent(s) or eligible students:

1. School officials defined in Section II. (C) 3 of this chapter;

2. Officials of another school or school system in which the student seeks or intends to enroll, provided that school policy so includes such provisio with the following qualifiers: (a) that a reasonable attempt to notify parent(s) or eligible student at last known address had been made; (b) that transfer of records is initiated by parent(s) or eligible student at the sending agency; (c) that agency provides parent(s) or eligible student a copy of disclosed records upon request; and (d) that agency provides parent or eligible student the opportunity for a hearing, if so requested;

3. Federal or state officials in connection with audit and evaluation of federally-funded programs. These include the authorized representatives of the following: the Comptroller General of the United States; and Secretary of the Department of Education; the Commissioner, the Director of the National Institute of Education, the Assistant Secretary of Education; or State Educational Authorities;

4. Officials of government agencies on financial aid in connection with determining eligibility or extent of aid, and in enforcing terms or conditions for collection, if necessary;

5. Organizations conducting studies for purposes of developing, validating, or administering predictive tests, student programs, accreditation, and improving instruction. Provisions should be established to assure that studies are conducted in such a manner as to prevent the personal identification of students and their parents by individuals other than representatives of these

organizations and that information shall be destroyed when no longer needed in the conduct of the study. Organizations shall include federal and state or local agencies and independent organizations;

6. Officials of relating health and safety organizations in case of emergency; and

7. Officials of the court to comply with judicial order or lawfully issued subpoena. The agency shall make a reasonable effort to notify the parent(s) or eligible student of the order or subpoena in advance of compliance.

Use of Disclosed Records

The agency policy on disclosure shall require that information released be utilized only for purposes for which they are specifically intended. Limits to disclosure of education records may not preclude school employees from exhibiting student exemplary papers such as works of art, class examination results, and results of other class activities such as expository, poetry, or narrative writing, or from publicizing student achievement through honor rolls, etc. if it is within the approved policy of the school agency.

Disclosure of Directory Information

Information for disclosure with or without prior consent of parent or eligible student shall be specified, together with corresponding intended use for each. If directory information or other forms of personally identifiable data are subject to release without prior consent, these should be specified in agency policies to assure that parents or eligible students are aware of procedural circumstances. However, a parent has the right to refuse to allow the agency to designate any or certain information as directory information on a particular student. If the parent does refuse, the school agency shall not publish the information nor disclose it as directory information, as long as the parent(s) or eligible student advises the agency within a reasonable period of time.

Record on Disclosures

Records on instances of disclosure of education records shall be maintained and kept on file with corresponding student records as long as these are maintained and utilized by the agencies. These records shall specify the following:

1. The parties who have requested or obtained personally identifiable information from the education records of the student; i.e., a list shall be developed and attached to the student records and shall be kept updated;

2. The legitimate interests these parties had in requesting or obtaining information;

3. Dates person(s) or agency(s) made requests; and

4. Indication of grant or denial of request and corresponding reasons.

The record on disclosures shall not necessarily include requests from parents or eligible students or from school and other officials specified in C. (a) through (g) of this document. The record may be subjected to the inspection of the following: parent or eligible student; school official(s) responsible for the custody of the records; and other officials for purposes of auditing the record-keeping procedures of the school agency or institution.

D. Right to Destruction of Education Records

Education records are collected, compiled, and maintained by educational agencies with the use of public funds. For school agencies receiving P.L. 94-142 funds, the Department of Education contends that these records are records of the educational agencies maintained primarily to assist them in providing appropriate programs and services to students enrolled in their schools. When the agencies decide that special education records are no longer needed to provide educational programs or services because the student has either graduated or left school, parents or eligible students shall be so notified and shall likewise be informed that records must be destroyed upon their request.

Notice of Right to Destruct

Parent(s) or eligible students shall be provided with a relevant notice regarding their right to request destruction of records. The educational agency may specify criteria that shall determine when records are no longer necessary. These may include, for handicapped students, such events as graduation from school, 26th birthday, or other such means of terminating enrollment as the conduct of the IEPC process and its decision to terminate provision of special education and related services.

The notice regarding right to destruction of records shall be provided upon graduation, upon reaching age 26 or during IEPC-IEP meetings for handicapped students, and other times as decided by the school agency and as specified in relating policies.

Legislation does not preclude maintenance of some parts of education records without time limitation. These may include but not be limited to student's name, address, phone number, grades, attendance records, classes attended, grade level(s) completed and year(s) completed and other such records deemed necessary for maintenance by the school agencies, with the knowledge of parent(s) or eligible students. Parents of students or eligible students on whom records are collected and maintained shall likewise be informed of possible needs of these records for such future purposes as social security benefits, court litigation, etc.

The agency policy on education records shall indicate that these records need to be maiutained as long as the student is enrolled in the school.

## CHAPTER XVIII. PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT

To assure that special education programs and services conform to current needs of handicapped students, the Michigan Department of Education conducted four state hearings to solicit public opinion regarding content of this Plan. Press releases, paid notices in area papers and posters were circulated and related memoranda were issued to the field to insure the awareness and participation of individuals involved in or concerned with the education of handicapped children in the state. Copies of these documents are attached to this chapter.

Prior to final review and endorsement by the Michigan State Board of Education, the draft of the State Plan was presented to the State Special Education Advisory Committee for further discussion and comment. Testimony from the council is incorporated in the summary.

### Availability of Public Testimony for Review

Copies of all written comments, including taped oral testimony, shall be kept on file and available for public review for one year from the date of this document. These comments, including the initial draft of this Plan, may be reviewed between 8:00 a.m. and 5:00 p.m., Mondays through Fridays, except holidays, at the office of the Special Education Services, Michigan Department of Education, Second Floor of the Ottawa Street Building, South Tower, Lansing, Michigan.

### Procedures for Dissemination of Approved Plan

The State Plan for FYs 1984, 1985, and 1986, after its approval by the U.S. Commissioner of Education, shall be made public through the following procedures:

1. A statement regarding its availability for review and referral shall be circulated through news releases and relating bulletins.

2. Copies of the State Plan shall be made available for review and referral at the following locations: Offices of the 57 Intermediate School District Superintendents, the 22 Regional Instructional Materials Centers, the Higher Education Institutions in the state with curricular offerings in special education teacher-training, and the various departments of the State Government. They shall be available on loan from the State Library and the office of the State Director of Special Education in Lansing.

The availability of the plan for review and referral will assure that every concerned citizen is provided the opportunity to more fully understand and participate in the education of handicapped children in the state.

Chart 8 details the timetable for the development and submission to the Department of Education, Office of Special Education Programs.

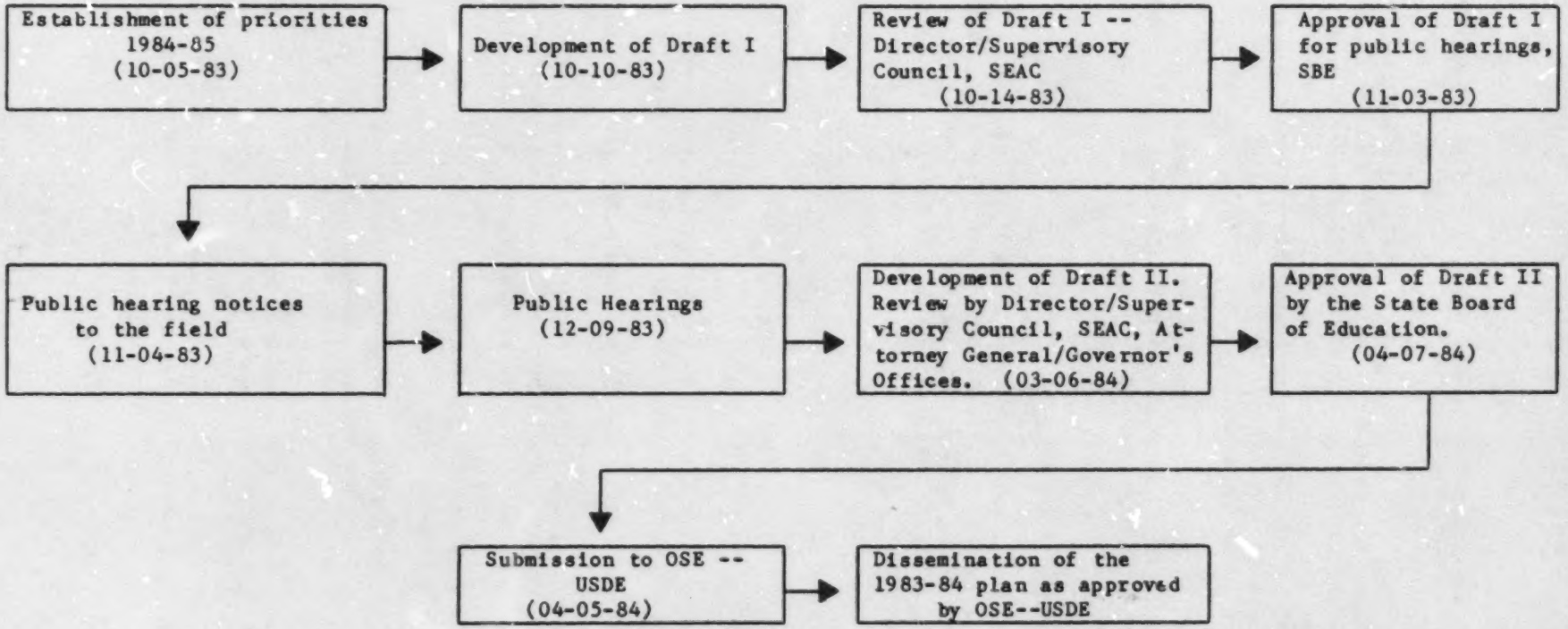
The following is the summary of all comments, together with corresponding administrative action taken by the Special Education Services Area.

CHART 8

REVISION, SUBMISSION, DISSEMINATION

STATE PLAN

FY 1984-85


Establishment of priorities 1984-85 (10-05-83)
Development of Draft I (10-10-83)
Review of Draft I -- Director/Supervisory Council, SEAC (10-14-83)
Approval of Draft I for public hearings, SBE (11-03-83)
Public hearing notices to the field (11-04-83)
Public Hearings (12-09-83)
Development of Draft II. Review by Director/Supervisory Council, SEAC, Attorney General/Governor's Offices. (03-06-84)
Approval of Draft II by the State Board of Education. (04-07-84)
Submission to OSE -- USDE (04-05-84)
Dissemination of the 1983-84 plan as approved by OSE--USDE

SEAC -- Special Education Advisory Committee
USDE -- United States Department of Education

SBE -- State Board of Education
OSE -- Office of Special Education

SUMMARY OF PUBLIC TESTIMONY

| AREAS OF CONCERN | PUBLIC COMMENTS | SES ACTION |
|---|---|---|
| Chapter III. Priorities for Funding | | |
| 1. Project Find | Support continuation with increased funding.<br><br>Not needed since school districts conduct 'child find' activities. | The project is retained at the current funding of $25,000. |
| 2. Coordination of Planning, Monitoring, and Data Collection | Support continuation at current or increased funding.<br><br>Non-support of funding for Departments of Corrections, Mental Health, Social Services. | The project is retained at the current funding level with the exclusion of Departments of Corrections, Mental Health, and Social Services in allocation. |
| 3. Development of Materials for Enhancement of Programs, Management, Communications | Support projects on computers for instruction, evaluation, resources and information management, communications, and data collection at increased levels of funding. | The projects related to computer technology are being continued at current funding levels. |
| 4. Research and Evaluation | Support studies that deal with the validation of delivery system with emphasis on the following: criteria for LD, caseload size and relating rule changes, impact of mainstreaming on all students, feasibility of MEAP tests for special education, and follow-up of students previously provided special education and related services.<br><br>Non-support of assessment of impact/usefulness of direct services projects: Coordination of Planning, Monitoring, Data Collection; Statewide Communication and Dissemination System; Center for Adaptive Aids and Equipment; Center for Materials for the Visually Impaired; and Special Education Learning Materials Centers. | The areas of emphasis are included in proposed Spending Plan for Fiscal Year 1985, as per testimony. |

| AREAS OF CONCERN | PUBLIC COMMENTS | SES ACTION |
|---|---|---|
| 5. Statewide Direct Services | | |
| a. Statewide Communication and Dissemination System (SCADS) | Support continuation at increased funding; system has improved communications in special education. | The project is retained at increased funding level, from $163,000 to $170,000. The following language is added: The increasing volume of dissemination necessitates an increase in the allocation to provide resources for the purchase of a high-output copier and an IBM III Selectric typewriter. |
| b. Center for Adaptive Aids and Equipment (PAM Center) | Recommend continuation with increased funding, as services are invaluable to both users and providers of special education services. Center is the only provider of comprehensive handicapper equipment information in the state. | The project is continued with increased funding, from $35,000 to $50,000. |
| c. Center of Materials for the Visually Impaired | Support continuation of project with increased funding if clientele is expanded to include persons with handicaps other than visual impairments.<br><br>Center provides viable access to materials information, etc. | The project is continued with increased funding, from $200,000 to $220,000, to allow for purchase of replacements for current out-dated equipment. |
| d. Special Education Learning Materials Centers (SELMC's) | Support maintenance of centers with increased funding for the purchase of more materials and equipment.<br><br>Handicapped students, their parents and their teachers utilize the centers' excellent resources. | The centers are maintained at current funding levels. |

| AREAS OF CONCERN | PUBLIC COMMENTS | SES ACTION |
|---|---|---|
| e. Mediation Services Center | Non-support. Mediation is better left to school districts.<br><br>Support experimental program. | Item is excluded from list of priority items for expenditure. |
| 6. Support for Model Programs | | |
| a. Assessment of Programs for Low Incidence Categories (Program Effectiveness Review Component - PER) | Recommend that assessment reviews be done by school/regional districts. | Item is included as one of Model programs. PER has been initiated, hence need for its completion. |
| b. Model Innovative Programs | Recommend development of delivery system model for secondary school handicapped students.<br><br>Recommend development of model on innovative ways of financing special education.<br><br>Suggest development of model on the use of arts as learning tools for handicapped students.<br><br>Recommend development of criteria and standards for self-evaluation of special education programs and services. | Funds are allocated to allow development/identification and adoption of effective programs for special education. Model programs may include those identified in FY 1984 and those that deal with the following: delivery system for secondary school special education students, assessment of programs for low incidence categories (PER), etc. |
| c. Development of Model Human Services Network | Support proposed network.<br><br>Strongly recommend that proposal not be funded as it would duplicate already existing networks. | Item is not included in list of priorities for expenditure. |

| AREAS OF CONCERN | PUBLIC COMMENTS | SES ACTION |
|---|---|---|
| 7. Personnel Development and Training | Support continuation of funding. | |
| a. Committee Activities Relating to CSPD | Non-support. | Item is included as SES recognizes need for review and advisement from committee. |
| b. Workshop on Arts for the Handicapped | | |
| c. Inservice on Teacher Competencies in Specific Areas | | |
| d. Workshops on Roles/ Functions in Hearings and Complaint Processes | This is a function of the SELMC's: Non-support. | Items for inservice include: dissemination of effective innovative delivery system. Models such as IV-C projects, arts for the handicapped, teacher competencies, role and function of hearing officers, parent involvement, effective mediation services, suspension and expulsion processes, and other needs that maybe identified through a statewide needs assessment. |
| e. Materials/Inservice Training to Help Regular Education Teachers Who Serve Handicapped Students | Increase allocation to maintain viability of activities.<br><br>Develop statewide processes to assure consistency statewide. | |
| f. Training Related to Identified Needs of Consumers and Providers of Special Education | | |
| g. Development of Training on Specific Program Materials (IEP, etc.) | | |
| h. Inservice for Teachers of the Autistic Impaired | | |